

ERIE COUNTY LEGISLATURE
MEETING NO. 20
September 23, 2004

The Legislature was called to order by Chairman Holt.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Schroeder.

Item 1 – CHAIRMAN HOLT directed that Comm. 7M-5 (2004) remain on the table.

Item 2 – No items for reconsideration from the previous meeting.

Item 3 – Minutes of previous meeting were tabled.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. WEINSTEIN presented a resolution Recognizing 9/27/04 as Family Day -A Day to Eat Dinner with Your Children.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 6 – CHASE, MINORITY CAUCUS presented a resolution Honoring the Life of WWII Army Veteran Julian J. "Lu" Rybczynski.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. SMITH presented a resolution Honoring Garnet Hicks Wallace, Retired Member of Board of Visitors of Buffalo Psychiatric Center.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

Item 8 – SMITH & HOLT presented a resolution In Memory of Jean Bradberry.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. DEBENEDETTI presented a resolution Recognizing 9/15/04 - 10/15/04 as Hispanic Pride Month.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 10 – MS. MARINELLI presented a resolution Honoring Alleyway Theatre for 25 Years of Service to Western New York.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. WEINSTEIN presented a resolution Recognizing Installation of Art Theobald, of Williamsville, as President of International Order of the Blue Gavel.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. WEINSTEIN Recognizing the Sisters of Saint Francis as they Celebrate Their Annual Benefactor Appreciation Day.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 13 – MR. WEINSTEIN presented a resolution Welcoming Dr. Howard as the new Superintendent of Williamsville Schools.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 14 – CUSACK, RANZENHOFER & WEINSTEIN presented a resolution Honoring Jim Allen, Executive Director of the Amherst Industrial Development Agency for his 25 Years of Service.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the above ten resolutions as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 15 –CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table.

GRANTED.

Item 16 – CHAIRMAN HOLT directed that Local Law No. 4 (Print #1) 2004 remain on the table.

GRANTED.

Item 17 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 18 – CHAIRMAN HOLT directed that Local Law No. 11 (Print #1) 2004 remain on the table.

GRANTED.

COMMITTEE REPORTS

Item 19 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 398

September 17, 2004

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2004 (Comm. 15M-13)
BUFFALO COMMON COUNCIL: Letter to Chairman Holt Re: Centennial Pool.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - b. Item Page -2004 (Comm. 16E-8)
COUNTY CLERK: Letter to Chairman Holt Re: Appointment to EC Records Commission.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - c. Item Page -2004 (Comm. 16E-40)
SCHROEDER: Letter to County Executive Re: Access to SAP.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - d. Item Page -2004 (Intro. 16-7)
HOLT & MARINELLI: Legislative Budget & Personnel Adjustments.
 (6-0) Chairman Holt present as Ex-Officio Member.
 - e. Item Page -2004 (Comm. 17D-1)

BUDGET, MANAGEMENT & FINANCE – DIVISION OF REAL PROPERTY TAX:

Copy of Letter to EC Association of Tax Receivers & Collectors Re: Centralized Regional Tax Collection System.

(6-0) Chairman Holt present as Ex-Officio Member.

- | | | | | |
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| | Item | Page | -2004 | (Comm. 17E-6) |
|--|------|------|-------|---------------|
- f. **COUNTY CLERK:** Letter to Chairman Holt Re: Vacancy on Erie County Records Commission.
(6-0) Chairman Holt present as Ex-Officio Member.
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| | Item | Page | -2004 | (Comm. 17E-37) |
|--|------|------|-------|----------------|
- g. **SCHROEDER:** Letter to Deputy County Executive Re: ERP/SAP Steering Committee.
(6-0) Chairman Holt present as Ex-Officio Member.
- | | | | | |
|--|------|------|-------|---------------|
| | Item | Page | -2004 | (Comm. 19D-2) |
|--|------|------|-------|---------------|
- h. **DISS:** Letter to Association of Tax Receivers & Collectors Re: Centralized Regional Tax Collection System.
(6-0) Chairman Holt present as Ex-Officio Member.
- | | | | | |
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| | Item | Page | -2004 | (Comm. 19D-7) |
|--|------|------|-------|---------------|
- i. **COUNTY ATTORNEY:** Notice of Claims.
(6-0) Chairman Holt present as Ex-Officio Member.
- | | | | | |
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| | Item | Page | -2004 | (Comm. 19D-10) |
|--|------|------|-------|----------------|
- j. **DISS:** SAP Value-Added Scorecard.
(6-0) Chairman Holt present as Ex-Officio Member.
- | | | | | |
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| | Item | Page | -2004 | (Comm. 19D-11) |
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- k. **DISS:** ERP Project - Funding.
(6-0) Chairman Holt present as Ex-Officio Member.
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| | Item | Page | -2004 | (Comm. 19D-29) |
|--|------|------|-------|----------------|
- l. **COUNTY ATTORNEY:** Notice of Claims.
(6-0) Chairman Holt present as Ex-Officio Member.
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| | Item | Page | -2004 | (Comm. 19E-4) |
|--|------|------|-------|---------------|
- m. **SCHROEDER:** Letter to Comptroller Re: Audit of SAP Future Implementation & Cost.
(6-0) Chairman Holt present as Ex-Officio Member.
- | | | | | |
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| | Item | Page | -2004 | (Comm. 19E-37) |
|--|------|------|-------|----------------|
- n. **COUNTY CLERK:** Memo Re: Records Management Grants.
(6-0) Chairman Holt present as Ex-Officio Member.
- | | | | | |
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| | Item | Page | -2004 | (Comm. 19M-5) |
|--|------|------|-------|---------------|
- o. **LEGAL AID BUREAU OF BUFFALO:** Copy of 2003 Financial Statement, 2003 Annual Report & Minutes of Board Meeting Held 6/22/04.

(6-0) Chairman Holt present as Ex-Officio Member.

- p. Item Page -2004 (Comm. 19M-10)
AID TO INDIGENT PRISONERS SOCIETY – ASSIGNED COUNSEL PROGRAM:
 2nd Quarter Report.
 (6-0) Chairman Holt present as Ex-Officio Member.

- q. Item Page -2004 (Comm. 19M-21)
CITY OF BUFFALO DPW: Copy of Letter to Legislator Smith Re: Capital Improvements
 in City Parks.
 (6-0) Chairman Holt present as Ex-Officio Member.

2. Item Page -2004 (Comm. 19E-53)
COUNTY EXECUTIVE
 WHEREAS, Erie County's Department of Central Police Services hosts critical public safety
 information systems and data for Erie County police agencies, and

WHEREAS, the Buffalo and Erie County Public Library promotes lifelong learning by
 providing open, equal and free access to information, and

WHEREAS, Erie County's Division of Information and Support Services provides
 telecommunications services and information systems support for the Department of Central Police
 Services, Erie County remote locations, towns and villages, and

WHEREAS, these systems and services comprise a complex public safety wide area network
 (WAN) of the highest importance, and

WHEREAS, Erie County has a need to maintain the continuity of the WAN, and

WHEREAS, a request for proposal was issued in the year 2000 following the provisions of
 Section 19.08 of the Administrative Code, and

WHEREAS, AT&T was found to have the preferred network design, the lowest price and the
 desired network management support, and

WHEREAS, AT&T will renew the contract for an additional 4 years with the same terms and
 conditions;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, through the Division of information and Support
 Services, shall be authorized to enter a four (4) year renewal contract with AT&T for network service
 and management support, and be it further,

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RESOLVED, that the County Executive, through the Division of Information and Support Services, is authorized to extend this service to additional police agencies, county departments and towns and villages as required, and be it further,

RESOLVED, that the source of funding shall be the 2004 Adopted Budget, Division of Information and Support Services Utilities account, Division of Central Police Services and the Buffalo and Erie County Public Library and be it further,

RESOLVED, that funding for future years shall be appropriated in the Division of Information and Support Services Utilities account, Division of Central Police Services and the Buffalo and Erie County Public Library and be it further,

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, the Director of Information and Support Services, the Commissioner of Central Police Services, the Director of the Buffalo and Erie County Public Library and the Director of Budget, Management and Finance.

(6-0) Chairman Holt present as Ex-Officio Member.

LYNN M. MARINELLI
CHAIRPERSON

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 20 –MR. DEBENEDETTI presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 399

September 17, 2004

FINANCE & MANAGEMENT
 COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.

a. Item Page -2004 (Comm. 15E-3)
COMPTROLLER: Use of Tobacco Asset Securitization Proceeds.
 (6-0) Chairman Holt present as Ex-Officio Member.

b. Item Page -2004 (Comm. 15E-7)

COMPTROLLER: Bond Resolution - \$5,000,000 – Surveys, Plans & Estimates for Improvements to Various Road & Bridges.

(4-2) Marshall & Weinstein in the negative. Chairman Holt present as Ex-Officio Member.

- c. Item Page -2004 (Comm. 16D-6)
BUDGET, MANAGEMENT & FINANCE – DIVISION OF REAL PROPERTY TAX:
 2004 Annual Report.
 (6-0) Chairman Holt present as Ex-Officio Member.
- d. Item Page -2004 (Comm. 17E-2)
COMPTROLLER: Notice of Sale of \$83 Million Revenue Anticipation Note.
 (6-0) Chairman Holt present as Ex-Officio Member.
- e. Item Page -2004 (Comm. 17E-7)
COMPTROLLER: Certificate of Determination – Sale of \$82,500,000 Revenue Anticipation Note.
 (6-0) Chairman Holt present as Ex-Officio Member.
- f. Item Page -2004 (Comm. 17E-32)
COUNTY EXECUTIVE: Transfer of Erie County Tax Sale Certificates – 4901 Transit Road.
 (6-0) Chairman Holt present as Ex-Officio Member.
- g. Item Page -2004 (Comm. 17M-4)
NYS BOARD OF REAL PROPERTY SERVICES: List of Certified 2004 State Equalization Rates.
 (6-0) Chairman Holt present as Ex-Officio Member.
- h. Item Page -2004 (Comm. 17M-5)
NYS BOARD OF REAL PROPERTY SERVICES: List of Certified 2004 State Equalization Rates.
 (6-0) Chairman Holt present as Ex-Officio Member.
- i. Item Page -2004 (Comm. 19D-36)
COUNTY ATTORNEY: Resolution of Board of Directors of ETASC.
 (6-0) Chairman Holt present as Ex-Officio Member.

AS AMENDED

2. Item Page -2004 (Comm. 1D-21)
BUDGET, MANAGEMENT & FINANCE
 WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556

WHEREAS, the Director has investigate the validity of such applications (see attached listing) now therefore be it,

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RESOLVED, that petitions numbered 204225 through 204260 inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR	Petition No.	204225
	Cancel	\$124.67

S-B-L

Acct. No. 112	\$124.67	County
Acct. No. 132	\$0.00	Town/SpecialDist/School

Charge To : **140200 BUFFALO** **\$0.00**

CANCEL - CLERICAL ERROR, THE RPTL 520 WAS MISCALCULATED ON THE TAX ROLL. THE ACTUAL SALE DATE APRIL 3, 2003. RPTL 550(2)E

FISCAL YEAR 2004	Petition No.	204226
ASSESSOR	Cancel	\$598.20

S-B-L 41.07-14-1./4B **142289 AMHERST**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$598.20	Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$598.20

Charge To : **142289 AMHERST** **\$0.00**

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
WILLIAMSVILLE CENTRAL

FISCAL YEAR 2004	Petition No.	204227
ASSESSOR	Cancel	\$598.20

S-B-L 42.15-4-17 **142289 AMHERST**

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Acct. No. 112	\$0.00	County
Acct. No. 132	\$598.20	Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$598.20

Charge To : 142289 AMHERST \$0.00

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
WILLIAMSVILLE CENTRAL

FISCAL YEAR 2004 **Petition No. 204228**

ASSESSOR **Cancel \$2,990.98**

S-B-L 55.01-1-3.1 **142289 AMHERST**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$2,990.98	Town/SpecialDist/School

Charge To : 142289 AMHERST \$2,990.98

Relevy School \$2,990.98142203 WILLIAMSVILLE CENT

CANCEL - CLERICAL ERROR, THE ASSESSMENT WAS INCORRECT ON THE TAX ROLL. THE ASSESSED VALUE WAS 3,850,000 AND SHOULD BE 3,700,000.
RPTL 550(2)A

FISCAL YEAR 2004 **Petition No. 204229**

ASSESSOR **Refund \$644.64**

S-B-L 104.16-4-2 **145203 LANCASTER**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$644.64	Town/SpecialDist/School

Charge To : 145203 LANCASTER \$644.64

Relevy Village \$644.64 Village of LANCASTER

REFUND - CLERICAL ERROR, THE SEWER CHARGE WAS APPLIED IN ERROR. THIS IS PROPERTY IS VACANT LAND. RPTL 550(2)E

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CHECK FOR : NEW YORK STATE ELECTRIC & GAS

FISCAL YEAR20014 Petition No. **204230**

ASSESSOR **Cancel** \$997.00

S-B-L 56.15-2-1./11B **142289 AMHERST**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$997.00 Town/SpecialDist/School

41834 NYS STAR ENHANCED EXEMPTION \$997.00

Charge To : **142289 AMHERST** **\$0.00**

CANCEL - CLERICAL ERROR, THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 50,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
 WILLIAMSVILLE CENTRAL

FISCAL YEAR 2004 Petition No. **204231**

ASSESSOR **Cancel** \$276.50

S-B-L 67.49-3-10 **142289 AMHERST**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$276.50 Town/SpecialDist/School

41834 NYS STAR ENHANCED EXEMPTION \$276.50

Charge To : **142289 AMHERST** **\$0.00**

CANCEL - CLERICAL ERROR, PARCEL RECEIVED THE BASIC STAR FOR 30,000 WHEN IT SHOULD HAVE RECEIVED THE ENHANCED STAR FOR 50,000.
 RPTL 550(2)B SWEET HOME

FISCAL YEAR 2003 Petition No. **204232**

ASSESSOR **Refund** \$142.80

S-B-L 67.65-2-18 **142289 AMHERST**

Acct. No. 112 \$69.74 County

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Acct. No. 132 \$73.06 Town/SpecialDist/School

Charge To : **142289 AMHERST** **\$73.06**

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
 15,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: FRANCIS A SCHEDA

FISCAL YEAR 2004 Petition No. **204233**

ASSESSOR **Refund** \$147.54

S-B-L 67.65-2-18 **142289 AMHERST**

Acct. No. 112 \$68.05 County
 Acct. No. 132 \$79.49 Town/SpecialDist/School

Charge To : **142289 AMHERST** **\$79.49**

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
 15,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: FRANCIS SCHEDA

FISCAL YEAR 2004 Petition No. **204234**

ASSESSOR **Cancel** \$212.70

S-B-L 68.13-3-11 **142289 AMHERST**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$212.70 Town/SpecialDist/School

Charge To : **142289 AMHERST** **\$212.70**

Relevy School \$212.70 142201 AMHERST CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
 ON THE TAX ROLL. THE ASSESSMENT WAS 131,000 AND SHOULD BE 121,000.
 RPTL 550(2)A

FISCAL YEAR 2004 Petition No. **204235**

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Charge To : 142289 AMHERST \$850.79

Relevy School \$850.79 142201 AMHERST CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 175,000 AND SHOULD BE 135,000. RPTL 550(2)A.

FISCAL YEAR 2004 Petition No. 204241

ASSESSOR Cancel \$996.99

S-B-L 80.16-2-6.11/68 142289 AMHERST

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$996.99 Town/SpecialDist/School

41834 NYS STAR ENHANCED EXEMPTION \$996.99

Charge To : 142289 AMHERST \$0.00

CANCEL - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 50,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
 WILLIAMSVILLE CENTRAL

FISCAL YEAR 2004 Petition No. 204242

ASSESSOR Cancel \$398.79

S-B-L 81.10-1-36 142289 AMHERST

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$398.79 Town/SpecialDist/School

41834 NYS STAR ENHANCED EXEMPTION \$398.79

Charge To : 142289 AMHERST \$0.00

CANCEL - CLERICAL ERROR, THIS PARCEL RECEIVED THE BASIC STAR IN THE AMOUNT OF 30,000 AND SHOULD HAVE RECEIVED THE ENHANCED STAR IN THE AMOUNT OF 50,000. RPTL 550(2)B

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Relevy School \$545.40 142401 EAST AURORA UNION

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF
 35,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: LOUISE PRATT

FISCAL YEAR 2003 Petition No. **204249**

ASSESSOR **Refund** \$535.31

S-B-L 200.00-1-28.2 **142289 AURORA**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$535.31 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$535.31

Charge To : **142289 AURORA** **\$0.00**

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF
 16,880 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: FREDERICK & LYNNEE SMERKA

FISCAL YEAR 2004 Petition No. **204250**

ASSESSOR **Refund** \$167.44

S-B-L 102.77-4-18 **143001 SLOAN**

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$167.44 Town/SpecialDist/School

Charge To : **143001 SLOAN** **\$167.44**

Relevy Village \$167.44 Village of SLOAN

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF
 14,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: TAMMY FERGUSON

FISCAL YEAR 2004 Petition No. **204251**

ASSESSOR **Cancel** \$223.95

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S-B-L 137.03-5-40.1 144200 ELMA

Acct. No. 112	\$210.05	County
Acct. No. 132	\$13.90	Town/SpecialDist/School

Charge To : 144200 ELMA \$13.90

REFUND - CLERICAL ERROR, THE DISABILITY VETERAN'S EXEMPTION IN THE AMOUNT OF 2,600 SHOULD BE 5,200. RPTL 550(2)C
 CHECK FOR: ALLEN D CARPENTER

FISCAL YEAR 2004 Petition No. 204252

ASSESSOR Cancel \$195.36

S-B-L 147.01-2-19 144200 ELMA

Acct. No. 112	\$147.03	County
Acct. No. 132	\$48.33	Town/SpecialDist/School

Charge To : 144200 ELMA \$48.33

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 1,960 SHOULD BE 3,920. RPTL 550(2)C
 CHECK FOR: DAVID & PEGGY MELTON

FISCAL YEAR 2003 Petition No. 204253

ASSESSOR Cancel \$1,200.00

S-B-L 234.20-3-21.1 144200 ELMA

Acct. No. 112	\$0.00	County
Acct. No. 132	\$1,200.00	Town/SpecialDist/School

Charge To : 144200 ELMA \$1,200.00

CANCEL - CLERICAL ERROR, DELINQUENT WATER CHARGE ADJUSTED DUE TO WATER LEAK ADJUSTMENT MADE AT THE REQUEST OF THE TOWN BOARD.
 RPTL 550(2)E

RESOLVED, that the County Executive is hereby authorized to execute Payment in Lieu of Taxes (PILOT) Agreements with Elmwood Square and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual Payment in Lieu of Taxes (PILOT) of \$52,000 in the first year of the PILOT Agreement with a three (3) percent increase annually thereafter for a fifteen (15) year period, with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Director of the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, the County Comptroller, and the County Attorney.

(6-0) Chairman Holt present as Ex-Officio Member.

4. Item Page -2004 (Comm. 19E-64)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance has received a request from Joseph and Joan Marino regarding the above County owned parcel of land in West Seneca, and

WHEREAS, this parcel was approved for sale by the Advisory Review Committee, and

WHEREAS, this parcel was not bid on at the public auction held by Cash Realty on August 20, 2003, and

WHEREAS, because these adjacent owners have been caring for this property since 1992,

NOW, THEREFORE BE IT RESOLVED, that the following parcel of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Joseph and Joan Marino, 216 Burch Avenue, West Seneca, New York 14210 for the sum of One Hundred and 00/100 Dollars (\$ 100.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of West Seneca, County of Erie and State of New York being part of Farmlot 195½, Township 10 Range 7 and according to a map entitled Lincoln Land Company Subdivision filed in the Erie County Clerk's Office under Map Cover Number 507 is known as north 5' of Sublot 123 and is further described on Erie County Tax Maps as Section, Block and Lot No. 133.28-1-19 (Burch Ave 5.00 x 112.00). Intending to convey those lands acquired in September 1951 by Erie County 1951 as Serial No. 87 in In Rem Tax Foreclosure Action No. 106.

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described property to the aforesaid purchaser, and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the office of the County Comptroller, the County Attorney and the Finance Department.

(6-0) Chairman Holt present as Ex-Officio Member.

ALBERT DEBENEDETTI
CHAIRMAN

MR. RANZENHOFER moved to separate item #1b (Comm. 15E-7) and moved the approval of the balance of the report. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved to send item #1b (Comm. 15E-7) back to the FINANCE & MANAGEMENT COMMITTEE. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI (AYES 7, NOES 8).

FAILED.

CHAIRMAN HOLT directed that item #1b (Comm. 15E-7) remain on the table.

GRANTED.

Item 21 –MR. DUSZA presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 400

September 20, 2004

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

- | | | | | |
|----|--|------|-------|---------------|
| a. | Item | Page | -2003 | (Comm. 24M-5) |
| | ERIE COUNTY FARM BUREAU: Copy of Letter to Legislator Chase Re: 48-Hour Pesticide Notification Law. | | | |

(5-0)

- | | | | | |
|----|--|------|-------|----------------|
| | Item | Page | -2004 | (Comm. 9M-28) |
| b. | NYSDOH: Health Consultation – Public Comment Draft for Off-site Residential Properties Former NL Industries Site, Depew, NY. | | | |
| | | | | (5-0) |
| | Item | Page | -2004 | (Comm. 13E-32) |
| c. | COUNTY EXECUTIVE: ECSD No. 5 – Town of Clarence – Transit Road & Sheridan Drive – Change Order. | | | |
| | | | | (5-0) |
| | Item | Page | -2004 | (Comm. 15M-10) |
| d. | VILLAGE OF EAST AURORA: Certified Copy of Resolution Re: Contract for Operation of Wastewater Treatment Plant & Sewer System. | | | |
| | | | | (5-0) |
| | Item | Page | -2004 | (Comm. 16E-10) |
| e. | COUNTY EXECUTIVE: ECSD No. 2 – Construction Inspection Service Agreement. | | | |
| | | | | (5-0) |
| | Item | Page | -2004 | (Comm. 16E-11) |
| f. | COUNTY EXECUTIVE: EC/Southtowns Sewage Treatment Agency – Engineering Service Agreement 6/1/02 – Change Order No. 5 – Stearns & Wheler. | | | |
| | | | | (5-0) |
| | Item | Page | -2004 | (Comm. 16M-12) |
| g. | VILLAGE OF EAST AURORA: Request for Formation of an Extension to ECSD No. 3. | | | |
| | | | | (5-0) |
| | Item | Page | -2004 | (Comm. 19D-3) |
| h. | DEP: NYSDEC Recycling Project Grant. | | | |
| | | | | (5-0) |
| | Item | Page | -2004 | (Comm. 19D-20) |
| i. | DEP: SEQR – Negative Declaration – North Creek Sub-Trunk Sanitary Sewer – Town of Hamburg. | | | |
| | | | | (5-0) |
| | Item | Page | -2004 | (Comm. 19E-12) |
| j. | COUNTY EXECUTIVE: Notice of Public Hearing Re: ECSD 2005 Assessment Rolls. | | | |
| | | | | (5-0) |
| | Item | Page | -2004 | (Comm. 19E-83) |
| k. | COUNTY EXECUTIVE: ECSD No. 2 – Engineering Service Agreements – Stearns & Wheler. | | | |

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(5-0)

- l. Item Page -2004 (Comm. 19E-85)
COUNTY EXECUTIVE: ECSD Nos. 1-6 – Section 270/271 Resolutions.
 (5-0)

- m. Item Page -2004 (Comm. 19E-88)
COUNTY EXECUTIVE: ECSD No. 1 – French Road Sanitary Sewer Rehabilitation –
 Change Order No. 1 – Intercounty Paving Associates.
 (5-0)

- n. Item Page -2004 (Comm. 19E-94)
COUNTY EXECUTIVE: ECSD No. 3 & Southtowns Sewage Treatment Agency –
 Engineer Term Agreement.
 (5-0)

- o. Item Page -2004 (Comm. 19E-96)
COUNTY EXECUTIVE: Consolidation of Sewer Services Agreement Between Blasdell &
 ECSD No. 3 – Change Order No. 4.
 (5-0)

- p. Item Page -2004 (Comm. 19M-2)
TOWN OF AURORA: Certified Resolution Re: ECSD No. 3.
 (5-0)

2. Item Page -2003 **AS AMENDED**
 (Comm. 20E-41)
COUNTY EXECUTIVE
 RESOLUTION NO. 401.

RESOLUTION DATED _____, 2004

A RESOLUTION APPROVING (1) AN INCREASE AND IMPROVEMENT OF FACILITIES
 FOR ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE, NEW YORK AND
 (2) AN APPLICATION TO THE STATE COMPTROLLER FOR CONSENT FOR
 EXPENDITURE OF FUNDS FOR SAID INCREASE AND IMPROVEMENT OF FACILITIES.

(Introduced) September 20, 2004.

(Adopted) _____, 2004.

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly
 caused to be prepared a report and estimate of cost, by the County Engineers (Erie County
 Department of Environment and Planning) relating to an increase and improvement of the facilities

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of Erie County Sewer District No. 2, which report and estimate of cost have been filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, such report and estimate of cost have been accepted and adopted on April 22, 2004 by the Board of Managers of said District pursuant to a written resolution which has been filed with said County Legislature; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of said District No. 2 in said County, consisting of the replacement of two (2) sewage pumping stations, the Lake Street and Point Breeze Stations and related force mains, including the construction of a facility to house new standby generators, load banks and automatic transfer switches along with required instrumentation and controls and related improvements to the existing Big Sister Creek Wastewater Treatment Plant, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of said Sewer District is \$10,840,000; and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase and improvement if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$52.29, is above the Average Estimated Cost of \$11.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 268 of the County Law; and

WHEREAS, said County Legislature duly adopted Resolution No. 277 on the 24th day of June, 2004, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid increase and improvement of facilities in accordance with the aforesaid report and estimate of cost; and

WHEREAS, said County Legislature has heretofore duly caused to be prepared by the Department of Environment and Planning an Application to the State Comptroller for his consent to the total expenditure for such increase and improvement, such Application to be executed and verified by and on behalf of the County by the County Executive; and

WHEREAS, said public hearing was duly held at 92 Franklin Street. 2nd Floor. Part 6. Buffalo. New York, in said County, on the 9th day of September. 2004, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner, provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing; and

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WHEREAS, said County Legislature has reviewed said Application, as prepared by the Department of Environment and Planning; and

WHEREAS, the aforesaid increase and improvement has been determined to be a "TYPE I" Action pursuant to the Regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed will not result in any significant environmental impacts;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities of Erie County Sewer District No.2 in the County of Erie, New York, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$10,840,000.

Section 2. Said Application to the State Comptroller was prepared at the direction of said County Legislature;

Section 3. Said County Legislature believes the contents of the Application to be accurate.

Section 4. Said County Legislature has determined that the expenditure for which, consent is sought is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof.

Section 5. The cost of the proposed expenditure is to be assessed against a benefited area which consists of the entire area of Erie County Sewer District No. 2.

Section 6. Said Application is hereby directed to be forwarded by the County Executive to the State Comptroller to obtain his consent to the total expenditure authorized herein, and such expenditure shall not be made or contract let for the purposes authorized herein until such consent has been obtained.

Section 7. This resolution shall take effect immediately.
 (5-0)

3. Item Page -2004 **AS AMENDED**
 (Comm. 11E-24)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District Number 4, William Street Subtrunk Sanitary Sewer, Contract 35L on September 2, 2004.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
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Contract 35L	Sergi Construction, Inc. P.O. Box 436 West Falls, New York 14170	\$506,015.72
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WHEREAS, the aforementioned lowest responsible bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the William Street Subtrunk Sanitary Sewer, Contract No. 35L be awarded to the lowest responsible bidder as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 35L	Sergi Construction, Inc. P.O. Box 436 West Falls, New York 14170	\$506,015.72

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contracts with the aforementioned lowest responsible bidder subject to approval by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$506,015.72 from Sewer Capital, Erie County Sewer District No. 4, Account C.00031 (430-693), for Contract 35L; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning; one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller Office and one certified copy to Gregory Dudek, Assistant County Attorney.
 (5-0)

4.	Item	Page	-2004	AS AMENDED (Comm. 19E-81)
	COUNTY EXECUTIVE			

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the 2004 Erie County Budget includes a capital project entitled Stormwater Outfall Mapping/GIS Enhancements in the amount of \$109,200; and

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WHEREAS, the State of New York, through its Department of Environmental Conservation (NYSDEC), provides financial aid for Phase II Stormwater Implementation Projects; and

WHEREAS, the NYSDEC granted Erie County the sum of \$500,000 over a three-year period to establish the Western New York Stormwater Pollution Prevention Implementation Project; and

WHEREAS, the required County match will be met through indirect expenses and in-kind contributions from Erie County staff and municipal representatives; and

WHEREAS, it is necessary that an agreement between New York State and the County of Erie be executed in order to receive this aid; and

WHEREAS, the County of Erie herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein call the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is authorized to enter into the necessary agreements to accept grant funding in the amount of \$500,000 from the NYSDEC for the Western New York Stormwater Pollution Prevention Implementation Project, and be it further

RESOLVED, that grant funding in the amount of \$500,000 for the Western New York Stormwater Pollution Prevention Implementation Project is hereby appropriated in the County Capital Budget Project No. A.00251, Stormwater Outfall Mapping/GIS Enhancements, and be it further

RESOLVED, that Joel A. Giambra, County Executive, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance, and be it further

RESOLVED, the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation, and be it further

RESOLVED, that this Resolution take effect immediately, and be it further

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RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the County Attorney; and the Albany office of the New York State Department of Environmental Conservation.

(5-0)

5. Item Page -2004 (Comm. 19E-82)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has the responsibility for coordinating the New York State Agricultural District Re-certification Process for seventeen districts within Erie County; and

WHEREAS, the Department of Environment and Planning is currently coordinating the re-certification of the following agricultural districts:

1. Clarence/Newstead - #14
2. Newstead/Alden - #1
3. Eden/Hamburg - #2
4. Eden/Boston - #3
5. North Collins/Eden/Boston - #4; and

WHEREAS, the primary planner responsible for coordinating the aforementioned process retired from County service in September 2002 thereby leaving a void in expertise relative to the agricultural district process and other rural planning services; and

WHEREAS, Erie County has engaged in a personal services contract with former Erie County Chief Planner Chester C. Jandzinski to assist in agricultural recertification work since 2002; and

WHEREAS, funds authorized under the 2002 personal services contract will soon be fully disbursed; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a second Rural Planning Personal Services Contract with Chester C. Jandzinski, residing at 1650 Hall Road, Elma, New York 14059; and be it further

RESOLVED, that the agreement shall include an authorized contract amount not to exceed \$9,000; and be it further

RESOLVED, that the purpose of said agreement shall be to coordinate the re-certification of various Erie County Agricultural Districts with the New York State Department of Agriculture and Markets, and other rural planning services as deemed appropriate by the Department of Environment and Planning; and be it further

RESOLVED, that the source of funds shall be money available within the Erie County Department of Environment and Planning, Community Development Block Grant, Cost Center 1621120, GL Account #516020; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the County Executive; the County Comptroller; the Commissioner of the Department of Environment and Planning; the Commissioner of Personnel; and the Director of the Division of Budget, Management, and Finance.
 (5-0)

6.	Item	Page	-2004	AS AMENDED (Comm. 19E-84)
	COUNTY EXECUTIVE			

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5 and 6; and

WHEREAS, Notice of said Public Hearing shall be published at least once in the official County newspapers and at least five (5) days prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls be open for public inspection after October 1, 2004 in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Part 6, Buffalo, NY, at 1:30 p.m., local time, on November 4, 2004, for the purpose of meeting to hear and consider any objections which may be made to the 2005 Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5 and 6; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of October 3, 2004; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Joel A. Giambra, County Executive, Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy A. Naples, County Comptroller, and Gregory Dudek Assistant County Attorney.
 (5-0)

7.	Item	Page	-2004	(Comm. 19E-86)
	COUNTY EXECUTIVE			

WHEREAS, County of Erie/Erie County Southtowns Sewage Treatment Agency herein called the "Borrower" after thorough consideration of the various aspects of the problems and study

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of available data, has hereby determined that the Project generally described as the Southtowns Outfall Extension identified as CWSRF Project No. 6647-06, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the CWSRF Act), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
 (Authorized Representative)

The ERIE COUNTY COMPTROLLER
 (Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send one certified copy of this resolution to Joel Giambra, County Executive; three (3) certified copies of this Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller's Office; and one certified copy to Gregory J. Dudek, Assistant County Attorney.
5. This Resolution shall take effect immediately.

(5-0)

8. Item Page -2004 (Comm. 19E-87)

COUNTY EXECUTIVE

WHEREAS, the Division of Sewerage Management has requested the creation of one JG 13 – Sr. Project Engineer and deletion of one Assistant Sanitary Engineer position, JG 12; and the creation of one Sr. Clerk Typist, Job Group 4 and the deletion of one Sr. Account Clerk, Job Group 6, and

WHEREAS, these position adjustments are reflected on B-100 position authorization forms, control numbers 251 and 252, in the SAP system.

NOW, THEREFORE, BE IT

RESOLVED, that the creation of one JG 13 – Sr. Project Engineer and deletion of one Assistant Sanitary Engineer position, JG 12, as well as the creation of one Sr. Clerk Typist, Job Group 4 and the deletion of one Sr. Account Clerk, Job Group 6 in the Division of Sewerage Management are hereby approved; and be it further

RESOLVED, that funding for the position adjustments is available in unexpended salaries in the budget of the Division of Sewerage Management, and be it further

RESOLVED, that certified copies of the approved resolution shall be sent to Joel A. Giambra, County Executive, Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department and the Erie County Budget Office.

(5-0)

9. Item Page -2004 (Comm. 19E-89)

COUNTY EXECUTIVE

WHEREAS, the County of Erie had secured the services of Siemens Building Technologies to provide Consultant Services for the completion of comprehensive energy audits for facilities of the

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Erie County/Southtowns Sewage Treatment Agency and the Erie County Sewer District Nos. 1,3,4 and 5; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all services are completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Agreement dated July 27, 2002 with Siemens Building Technologies Inc. in the final amount of \$58,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Agreement dated July 27, 2002 between the County of Erie and Siemens Building Technologies be formally closed-out in the final contract amount of \$58,000 and any unused balances be cancelled; and be it further

RESOLVED, that the Clerk of the Legislature send a certified copy of the resolution to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; Gregory Dudek, Assistant County Attorney; the Erie County Comptroller's Office and the Director of Budget, Management, and Finance.
 (5-0)

10. Item Page -2004 (Comm. 19E-90)
COUNTY EXECUTIVE

WHEREAS, the Town of Boston on behalf of Town Sanitary Sewer District Nos. 1, 3 and 4 has requested Erie county Sewer District No. 3 to assume ownership of Town District Nos. 1, 3 and 4 sanitary sewer lines; and

WHEREAS, the Town District Nos. 1, 3 and 4 sewer pipes are in need of refurbishing and/or replacement; and

WHEREAS, the needed sewer refurbishment/replacement is to be funded by monies from bonds previously issued for the Boston Valley Extension to Erie County Sewer District No. 3; and

WHEREAS, an intermunicipal agreement is necessary to consolidate the ownership of the Boston Town Sewer District Nos. 1, 3 and 4 sewers with Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County on behalf of Erie County Sewer District No. 3 and the Town of Boston on behalf of Town Sewer District Nos. 1, 3 and 4 for the purpose of transferring ownership to Town Sewer District Nos. 1, 3 and 4 sewer lines and appurtenances to Erie County Sewer District No. 3 be approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the agreement subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and William A. Eagan, Supervisor, Town of Boston.

(5-0)

11. Item Page -2004 (Comm. 19E-91)

COUNTY EXECUTIVE

WHEREAS, the Village of Hamburg has requested Erie County Sewer District No. 3 to assume ownership, operation and maintenance of the Village's sanitary sewer system; and

WHEREAS, an intermunicipal agreement is necessary to consolidate the ownership and operation of the Village of Hamburg's sewerage system with Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Village of Hamburg for the purpose of sanitary sewer system operation and maintenance by ECSD No. 3, and transfer of ownership of the Village's sewer system to ECSD No. 3 following extension of the district to include the Village, be approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Joel A. Giambra, County Executive, Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Curt S. Hermann, Mayor, Village of Hamburg.

(5-0)

12. Item Page -2004 (Comm. 19E-92)

COUNTY EXECUTIVE

WHEREAS, the Town of Aurora has requested Erie County Sewer District No. 3 to assume ownership, operation and maintenance of the Town's Sanitary Sewer Districts; and

WHEREAS, an intermunicipal agreement is necessary to consolidate the ownership and operation of the Town of Aurora's sewerage system with Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Town of Aurora for the purpose of providing sanitary sewer system operation and maintenance by ECSD No. 3 to the Town's Sewer Districts, and transfer of ownership of the Town's sewer system to ECSD No. 3 following extension of the district to include the Town, be approved; and be it further

RESOLVED, that Erie County Sewer District No. 3 pay the Town of Aurora an amount not-to-exceed \$900,000 for the Town's sewer system, subject to extension of Erie County Sewer District No. 3 to include the Village of East Aurora and Town and receipt of a low interest loan to cover said costs from the New York State Environmental Facilities Corporation through the Clean Water State Revolving Fund; and be it further

RESOLVED, that the retirement of the low interest loan debt be the responsibility of the ratepayers within the extension to Erie County Sewer District No. 3 that includes the Town and Village of East Aurora; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Terence M. Yarnall, Supervisor, Town of Aurora.
 (5-0)

13. Item Page -2004 (Comm. 19E-93)
COUNTY EXECUTIVE

WHEREAS, the Village of East Aurora has requested Erie County Sewer District No. 3 to assume ownership, operation and maintenance of the Village's sanitary sewer system; and

WHEREAS, an intermunicipal agreement is necessary to consolidate the ownership and operation of the Village of East Aurora's sewerage system with Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Village of East Aurora for the purpose of providing sanitary sewer system operation and maintenance by ECSD No. 3 to the Village, and transfer of ownership of the Village's sanitary sewer system to ECSD No. 3 following extension of the district to include the Village, be approved; and be it further

RESOLVED, that Erie County Sewer District No. 3 pay the Village of East Aurora in an amount not-to-exceed \$9,000,000 for the Village's sewer system, subject to extension of Erie County Sewer District No. 3 to include the Village and receipt of a low interest loan to cover said cost from the New York State Environmental Facilities Corporation through the Clean Water State Revolving Fund; and be it further

RESOLVED, that the retirement of the low interest loan debt be the responsibility of the ratepayers within the extension to Erie County Sewer District No. 3 that includes the Village and Town of Aurora; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and David DiPietro, Mayor, Village of East Aurora.

(5-0)

14. Item Page -2004 (Comm. 19E-95)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of URS Corporation by Agreement dated April 15, 2003, to provide engineering services for the Consolidation of Sewer Services between the Village of Blasdell and Erie County Sewer District No. 3/Southtowns Sewage Treatment Agency; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management is interested in expanding the engineer's scope of services to include evaluation of the chlorine content times and hydraulics of the Overflow Retention Facility (ORF); and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management is recommending approval of Change Order No. 3 to the URS Corporation Agreement dated April 15, 2003 in an amount not to exceed \$54,017.92.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 3 to URS Corporation dated April 15, 2003, be approved subject to approval by the Department of Environment and Planning, in an amount not to exceed \$54,017.92; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process Change Order No. 3, subject to certification of availability of funds from the project fund balance by the Comptroller's Office; and be it further

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RESOLVED, that the Erie County Comptroller is hereby authorized and directed to allocation \$54,017.92 from Sewer Capital Account, C.00012 (430-374) for payment of this change order; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolutions to Charles J. Alessi, P.E., Department of Environment and Planning; one (1) certified copy to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; and Gregory Dudek, Assistant County Attorney.
 (5-0)

RAYMOND K. DUSZA
CHAIRMAN

MR. DUSZA moved to separate item #2 (Comm. 20E-41 2003) and moved the approval of the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved the approval of item #2 (Comm. 20E-41 2003). MS. MARINELLI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI (AYES 15, NOES 0).

CARRIED UNANIMOUSLY.

Item 22 –MR. KUWIK presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 402

September 20, 2004

PUBLIC SAFETY
 COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT.

1. RESOLVED, that the following item is hereby received and filed.

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a. Item Page -2004 (Comm. 19M-6)
BUFFALO COMMON COUNCIL: Certified Resolution Re: Emergency Law Enforcement Assistance.
 (5-0)

2. Item Page -2004 (Comm. 19E-50)
COUNTY EXECUTIVE
 WHEREAS, on May 27, 2004 the County Legislature, in communication 10E-13, authorized the County Executive to accept funds and contract with the State of New York under the Urban Areas Security Initiative (UASI) Grant; and

WHEREAS, the Department of Central Police Services determined the need for the position of Homeland Security Compliance Analyst in order to meet local, state and federal compliance standards; and

WHEREAS, funds were made available to create and fund a full time position for the period May 22, 2004 – August 20, 2004 in the UASI 03 grant via the approval of Communication 10-E-13 by the Erie County Legislature on May 27, 2004; and

WHEREAS, the need exists and funds are available in the UASI FFY 03 Budget to continue the Compliance Analyst position in a part time capacity during the period Saturday, August 21, 2004 through Friday, May 20, 2005; and

WHEREAS, this position adjustment is reflected on B-100 position authorization form, Control Number 355, in the SAP system;

NOW, THEREFORE, BE IT

RESOLVED, that the Homeland Security Compliance Analyst PT position, Job Group 7, be created in the UASI 03 Grant for the period August 21, 2004 through May 20, 2005; and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to create the position of Homeland Security Compliance Analyst PT at the following funding amounts:

EXECUTIVE DEPARTMENT

Account	Description	Amount
910100	Interdepartment-County Executive	\$6,447.96
414000	Federal Revenue	(\$6,447.96)

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required to comply with Federal and State approved funding levels, and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to prepare and provide certified copies of this resolution to the Erie County Executive; the Erie County Deputy County Executive; the Erie County Homeland Security Grants Administrator, the Commissioner Central Police Services; the Commissioner of Personnel, the Erie County Comptroller and the Erie County Director of Budget, Management and Finance.

(5-0)

3. Item Page -2004 (Comm. 19E-54)

COUNTY EXECUTIVE

WHEREAS, New York State has awarded a grant of \$7,536,348.00 to the County of Erie under the Wireless 911 Expedited Deployment Funding program, and

WHEREAS, the County is required to meet certain standards regarding the handling of E-911 calls and for providing Phase II Wireless services to our residents, and

WHEREAS, the County has previously allocated Urban Areas Security Initiative (UASI) Funds in communication 10E-13 adopted on May 27, 2004, of these funds, \$837,372.00 will be used as matching funds to upgrade our CAD/RMS system, and

WHEREAS, the New Public Safety Campus Communications Center is scheduled to be operational in the spring 2005, and

WHEREAS, this new center will allow the County to deliver effective E-911 services for our residents, and

WHEREAS, to accomplish this we need to begin designing and building the communication center and accompanying infrastructure to be ready in 2005.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Department of State and to accept a grant award in the amount of \$7,536,348 to assist in equipping and bringing on line our new communications center, and be it further

RESOLVED, that the County Executive is hereby authorized to extend the contract of our communications consultant, L. Robert Kimball and Associates, 437 Grant Street, Frick Building, Suite 1102, Pittsburgh, PA 15219, in an amount not to exceed \$622,472, the sum of \$560,000 being hereby provided in Wireless 911 Expedited Deployment Funding and \$62,472 being available from Project HS165UASIF030305, Urban Areas Security Initiative, approved in legislative communication 10E-13 adopted on May 27, 2004, and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to make all budgetary transactions required to implement this project, and be it further

RESOLVED, that authorization is hereby provided to establish the necessary accounts in the grant fund to allow the Central Police Services Department to implement this project:

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Wireless 911 Expedited Deployment Funding

<u>Appropriation</u>	<u>Amount</u>
Account #516020	
Professional Services Contract and Fees	\$560,000.00
Account # 561410	
Lab and Tech Equipment	<u>6,976,348.00</u>
Total Appropriation	\$7,536,348.00
Revenue	
Account #409000 – State Aid Revenue	<u>\$7,536,348.00</u>
Total Revenue	\$7,536,348.00

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, and the Department of Central Police Services.

(5-0)

4. Item Page -2004 (Comm. 19E-65)

COUNTY EXECUTIVE

WHEREAS, the District Attorney's Office reimburses its Assistant District Attorneys for necessary travel to the Erie County's town and village courts to successfully prosecute criminal cases, and

WHEREAS, travel and mileage expenses in the 2004 appropriations for Commitment Item 510000, Local Mileage Reimbursement, is expected to exceed estimated budgeted amounts,

NOW, THEREFORE, BE IT

RESOLVED, that within Fund 110, Fund Center 11400; the sum of \$7,000 is hereby transferred from Commitment Item 500000, Full Time Salaries, to Commitment Item 510000, Local Mileage Reimbursement in the 2004 budget of the District Attorney's Office, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County District Attorney, the Erie County Comptroller and the Director of Budget, Management and Finance.

(5-0)

EDWARD J. KUWIK
CHAIRMAN

MR. KUWIK moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 23 –MR. SMITH presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 403

September 20, 2004

HUMAN SERVICES
 COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT EXCEPT LEGISLATOR DEBENEDETTI. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.

- | | | | | |
|----|--|---|-------|----------------|
| | Item | Page | -2003 | (Comm. 15M-42) |
| a. | SUCCESS BY 6: | Request to Implement NYS 15% Rate Differential for Accredited Child Care Providers in EC. | | |
| | (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member. | | | |
| | Item | Page | -2004 | (Comm. 11E-5) |
| b. | DEBENEDETTI: | Copy of Letter to Social Services Commissioner Requesting Information Pertaining to “Blueprint for Change”. | | |
| | (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member. | | | |
| | Item | Page | -2004 | (Comm. 13E-3) |
| c. | SMITH: | Letter to Commissioner of Social Services Re: Coordinating Council on Children & Families. | | |
| | (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member. | | | |
| | Item | Page | -2004 | (Comm. 17D-6) |
| d. | SOCIAL SERVICES: | Response to Request for Information Re: Comm. 16E-20 (Transfer of Funds for Statler Towers Lease Payment). | | |
| | (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member. | | | |
| | Item | Page | -2004 | (Comm. 19D-14) |
| e. | ECMCC: | Financial Statements for 6/04. | | |
| | (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member. | | | |

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f. Item Page -2004 (Comm. 19D-30)
MENTAL HEALTH: 2004-06 Local Government Plan for Mental
 Retardation/Developmental Disabilities.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

g. Item Page -2004 (Comm. 19D-35)
ECMCC: Financial Statements for 7/04.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

h. Item Page -2004 (Comm. 19M-20)
TOWN OF CLARENCE: Copy of Letter to Senator Rath Re: A.9924.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

i. Item Page -2004 (Comm. 19M-52)
TOWN OF CHEEKTOWAGA: Certified Resolution Re: Rodent Control.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

2. Item Page -2004 (Comm. 15E-40)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has recently received a revised grant award from the New York State Health Department in the amount of \$643,956 for the provision of family planning services, and extends the end date from 3/31/04 to 6/30/04, and

WHEREAS, the purpose of the grant is to provide comprehensive family planning services to at-risk adolescents and other medically indigent women and men in areas where infant mortality, morbidity, adolescent pregnancy and out-of-wedlock birth rates are high, and

WHEREAS, it is necessary to delete one full-time position of Head Nurse, *JG N3*, (position number 816171) in order to comply with the New York State authorized staffing levels.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the New York State Health Department to accept the amended grant which extends the end date from 3/31/04 to 6/30/04 and is, budgeted as follows:

Women's Health Services
4/1/03 -6/30/04
Project #879

SFG CODE	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
386	PRIVATE PAY	\$ 1,875	\$ +469	\$ 2,344
387	MEDICAID	467,840	146,960	614,800
549-138	PRIOR YEARS ROLLOVER	826,902	155,194	982,096
549-166	INSURANCE	36,000	9,000	45,000

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553	STATE AID-OTHER	515,165	128,791	643,956
685-2700	INTERFUND-NON SUBSIDY	71,908	17,977	89,885
	TOTAL REVENUE	<u>\$ 1,919,690</u>	<u>\$ 458,391</u>	<u>\$ 2,378,081</u>

APPROPRIATIONS

800	PERSONAL SERVICES	\$ 1,022,843	\$ 237,678	\$ 1,260,521
805	FRINGE BENEFITS	303,660	72,967	376,627
810	OFFICE SUPPLIES	11,000	2,750	13,750
814	MEDICAL SUPPLIES	128,664	34,224	162,888
816	MAINT SUPPLIES	2,500	625	3,125
821	DUES & FEES	153,598	85,157	85,157
822	RENTAL CHARGES	90	12	102
823	REPAIRS & MAINT	37,226	15,125	52,351
824	LOCAL MILEAGE	11,410	2,842	14,252
825	TRAVEL-OUT OF AREA	12,000	2,750	14,750
826	OTHER EXPENSES	73,430	12,988	86,418
880-2700	INTERFUND-HEALTHDEPT. 31,374		7,844	39,218
	INTERFUND-PUBLIC HEALTH			
880-2720	LAB	40,043	10,010	50,053
880-4000	INTERFUND-ECMC	16,500	7,125	2,625
880-5100	INTERFUND-DISS	17,000	4,250	21,250
883-2709	INTERDEPT – HEALTH GRANTS	-909	-39,856	-40,765
931	BUILDINGS & GROUNDS EQUIP	22,000	0	22,000
932	OFFICE EQUIPMENT	17,261	0	17,261
933	LAB & TECHNICAL EQUIPMENT	<u>20,000</u>	<u>1,900</u>	<u>21,900</u>
	TOTAL APPROPRIATIONS	<u>\$ 1,919,690</u>	<u>\$ 458,391</u>	<u>\$ 2,378,081</u>

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the deletion of one full-time position of Head Nurse, JG N3, (position number 816171), and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the, Division of Budget, Management and Finance, and the Department of Law.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

AS AMENDED

3. Item Page -2004 (Comm. 19E-68)

COUNTY EXECUTIVE

WHEREAS, the Labor-Management Healthcare Coalition, Inc (LMHC) was formed by Erie County management and union leaders to provide dependable, affordable health insurance benefits for governmental agencies throughout Western New York, and

WHEREAS, the Labor-Management Healthcare Coalition now has the ability to offer dental insurance to government agencies at a rate lower than is now available for the exact same coverage, and

WHEREAS, Erie County has the opportunity to take immediate advantage of this cost saving,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the Labor-Management Healthcare Fund for the provision of dental insurance to county employees in accordance with the Collective Bargaining Agreements, and be it further

RESOLVED, that the dental benefits to be provided to County employees shall be the same or better than those dental benefits currently provided, and be it further

RESOLVED, that any unanticipated funds generated by this transaction shall be deposited in the Personnel Department Accounts (205) 561410, (205a) 561410, (961h) 516020, (825) 510100 upon a subsequent, separate written request by the County Executive and after formal approval by the County Legislature, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget Management & Finance, the Office of the County Comptroller, and the Department of Personnel.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

4. Item Page -2004 (Comm. 19E-69)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has been awarded \$1,731,137 over three years by the United States Department of Housing and Urban Development (HUD) to provide rental assistance and supportive services for sixty (60) homeless individuals and/or families disabled by serious mental illness and/or chemical dependency under the Supportive Housing Grant Program, and

WHEREAS, additional matching funds of \$178,650 in NYS Office of Mental Health State Aid dollars are available over three years to meet the Federal match requirements of this award, and

WHEREAS, no County funds will be required for Erie County to accept these Federal funds to serve homeless individuals or families disabled by serious mental illness and/or chemical dependency, and

WHEREAS, the Erie County Department of Mental Health has identified Spectrum Human Services, Horizon Human Services, and Cazenovia Recovery Systems as recipients of the Request for Proposals (RFP) associated with this award, and

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WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with Spectrum Human Services, Inc., Horizon Human Services, Inc., and Cazenovia Recovery Systems, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be hereby authorized to enter into a three-year Agreement with the United States Department of Housing and Urban Development (HUD), for the period September 2004 through August 2007, in the amount of \$1,731,137, to provide rental assistance and supportive services for sixty (60) homeless individuals and/or families disabled by serious mental illness and/or chemical dependency, and be it further

RESOLVED, that the following appropriation increases hereby be established in the Operating Fund accounts of the Erie County Department of Mental Health to provide rental assistance and supportive services for sixty (60) homeless individuals and/or families disabled by serious mental illness and/or chemical dependency for the period September 1, 2004 through December 31, 2004, which represents the first 4 months of the three year period:

Horizon Human Services, Inc.	\$65,000
Spectrum Human Services, Inc.	\$71,266
Cazenovia Recovery Systems, Inc.	\$71,266

The source of these funds being NYS Office of Mental Health State Aid dollars in the amount of \$14,292 and United States Department of Housing and Urban Development funds in the amount of 193,240, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 2004 contract for the period January 1, 2004 through December 31, 2004, with each agency as follows:

Horizon Human Services, Inc.: by an amount not to exceed \$65,000
 Spectrum Human Services, Inc.: by an amount not to exceed \$71,266
 Cazenovia Recovery Systems, Inc.: by an amount not to exceed \$71,266,

and be it further

RESOLVED, that the actual grant period may be amended to coincide with the actual grantor award period; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

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5. Item Page -2004 (Comm. 19E-70)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has reviewed and approved programs of mental health services for individuals and families receiving services from the Erie County Medical Center, and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with Erie County Medical Center, and

WHEREAS, additional funds of \$7,000 in NYS Office of Mental Health State Aid dollars are available to be used for one-time costs related to the purchase of clothing, other personal care items, incentives, and other discharge needs for foster care children and adolescents served by the inpatient adolescent psychiatric unit of the Erie County Medical Center.

NOW, THEREFORE, BE IT

RESOLVED, that the 2004 appropriation for the Erie County Medical Center be increased by a total of \$7,000, the source of these funds being NYS Office of Mental Health State Aid dollars, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 2004 contract with the Erie County Medical Center, for the period January 1, 2004 through December 31, 2004, by an amount not to exceed \$7,000, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

6. Item Page -2004 (Comm. 19E-71)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has reviewed and approved programs of mental health services for individuals and families receiving services from Compeer West, Inc. (dba Compeer of Greater Buffalo), and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with Compeer West, Inc. (dba Compeer of Greater Buffalo), and

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WHEREAS, Compeer West, Inc. (dba Compeer of Greater Buffalo) is acting as the host and mentoring agency for the development of the Family Voices Network, and

WHEREAS, additional funds of \$125,000 in NYS Office of Mental Health State Aid dollars are available to be used for costs related to the development of the Family Voices Network, a consumer directed organization devoted to ensuring access to needed support, information, and services to all families in Erie County raising children with emotional, behavioral and/or social disabilities.

NOW, THEREFORE, BE IT

RESOLVED, that the 2004 appropriation for Compeer West, Inc. (dba Compeer of Greater Buffalo), be increased by a total of \$125,000, the source of these funds being NYS Office of Mental Health State Aid dollars, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 2004 contract with the Compeer West, Inc. (dba Compeer of Greater Buffalo), for the period January 1, 2004 through December 31, 2004, by an amount not to exceed \$125,000, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

7. Item Page -2004 (Comm. 19E-72)
COUNTY EXECUTIVE

WHEREAS, public health law requires the reporting of HIV infection and HIV related disease in addition to AIDS, and

WHEREAS, HIV surveillance data is used to monitor trends in the epidemic, to evaluate resource needs and to target prevention efforts, and

WHEREAS, the identification of partners at risk of exposure to HIV enables access to HIV counseling and testing and care, and

WHEREAS, in Erie County the HIV Surveillance and Partner Notification program (HIV PNP) is conducted by New York State Health Department staff assisted by three Erie County Health Department positions funded by the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept a revised grant award from the New York State Health Department which is budgeted as follows:

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HIV Partner Notification

10/1/03 – 9/30/04

SFG Project #876

SAP Title: 127HIVPARTNOT0304 Cost Center: #1271230

SAP	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
409010	State Aid Other	\$ 174,168	\$ 37,619	\$ 211,787
	TOTAL	\$ 174,168	\$ 37,619	\$ 211,787

EXPENSES

500000	Personal Services	\$ 94,968	\$ 55,780	\$ 150,748
501000	Overtime	1,500	-1,500	0
502000	Fringe Benefits	25,622	13,207	38,829
505000	Office Supplies	3,000	-3,000	0
505800	Medical Supplies	4,836	4	4,840
510000	Travel & Mileage	5,700	-4,050	1,650
510100	Out Of Area Travel	4,000	-4,000	0
	Professional Services		-	
516020	Contracts & Fees	3,435	-3,422	13
530000	Other Expenses	15,607	-9,363	6,244
	Lab & Technical			
561410	Equipment	12,000	-5,033	6,967
912700	I/D Health Services	0	1,200	1,200
980000	I/D DISS	3,500	-2,204	1,296
	TOTAL	\$ 174,168	\$ 37,619	\$ 211,787

912700	I/D Health Services	\$ 1,200
	Professional Services	
516020	Contracts & Fees	\$ 1,200

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

8. Item Page -2004 (Comm. 19E-73)
COUNTY EXECUTIVE

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WHEREAS, the Division of Public Health Laboratory has analyzed their objects of expense and has determined that in Account 505800, Medical Supplies, expenditures will exceed appropriations by an estimated \$22,000, and

WHEREAS, a transfer of funds must be made in order to continue the provision of vital public health services for the remainder of the 2004 fiscal year.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is hereby approves the following transactions within the accounts of the Department of Health:

<u>Division of Public Health Laboratory</u>	
Increase – Account 505800 Medical Supplies	\$22,000
<u>Department of Health</u>	
Decrease – Account 505800 Medical Supplies	\$22,000

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

9. Item Page -2004 (Comm. 19E-74)

COUNTY EXECUTIVE

WHEREAS, on May 27, 2004 the County Legislature, in communication 10E-13, authorized the Erie County Executive to accept funds and contract with the State of New York under Urban Areas Security Initiative (UASI) for Federal fiscal year 2003, and

WHEREAS, on July 14, 2004 the County Legislature in communication 17E-22, authorized \$150,000 to be utilized by the Department of Health for the purpose of modifying electronic data gathering for the Emergency Medical Services surveillance triage system currently being deployed, and

WHEREAS, in order to enable the Health Department to comply with the requirements of UASI, it is necessary to enter into a contract not to exceed \$150,000 with the Calspan UB Research Center, Inc. (CUBRC).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with CUBRC in an amount not to exceed \$150,000 for the purpose of modifying electronic data gathering for the Emergency Medical Services surveillance triage system currently being deployed, and be it further

RESOLVED, that the contract with CUBRC is a special service which must be provided immediately and continuously, and therefore the RFP procedure required under Erie County Local Law No. 6, Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

RESOLVED, that funds necessary to effectuate this contract are available in Urban Areas Security Initiative (UASI) HS127UASIF040305, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

10. Item Page -2004 (Comm. 19E-75)

COUNTY EXECUTIVE

WHEREAS, Hepatitis C is the most common chronic blood borne pathogen in the United States. Of people infected with Hepatitis C, 50 – 80% will develop chronic infections and 25 – 40 % will develop cirrhosis or cancer of the liver, and

WHEREAS, the Erie County Department of Health and the Erie County Public Health Laboratory had provided Hepatitis C screening as part of the CDC Viral Hepatitis Integration Project grant through March 31, 2004 to Allegany, Cattaraugus, Chautauqua, Genesee, Niagara, Orleans and Wyoming counties, and

WHEREAS, the Health Department has received a one-time funding award from the New York State Department of Health in the amount of \$14,990 for the period 7/15/04 – 12/31/04 to fund Hepatitis C screening procedures processed at the Public Health Laboratory for Allegany, Cattaraugus, Genesee, Niagara, Orleans and Wyoming counties.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a agreement with the New York State Health Department to accept the funding award, and be it further

RESOLVED, that the budget for the Erie County Department of Health – Public Health Laboratory Division is hereby adjusted as follows:

Increase Account 505800 Medical & Health Supplies	\$14,990
Increase Account 416610 Public Health Laboratory Fees	\$14,990

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

11. Item Page -2004 (Comm. 19E-76)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health currently provides environmental health services at the Tonawanda Service and Referral Center located at 250 Cortland Avenue, Tonawanda, New York, and

WHEREAS, the current lease expired on August 31, 2004 and the Department wishes to enter into a renewal agreement, and

WHEREAS, a renewal agreement has been received from the Kenmore-Town of Tonawanda Union Free School District.

NOW, THEREFORE, BE IT

RESOLVED, that the lease for the Department of Health's Tonawanda Service and Referral Center located at 250 Cortland Avenue, Tonawanda, New York is hereby renewed for a one year period commencing September 1, 2004 through August 31, 2005 at an annual rate of \$21,300 and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive, the Department of Health, the Real Property Unit in the Division of Budget, Management and Finance, the Comptroller's Office, the Division of Budget, Management and Finance and the Department of Law.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

12. Item Page -2004 (Comm. 19E-78)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department has received a donation of 1 Philips Heartstart Defibrillator and 2 Childbirth Simulators from the W.E.R.E.M.S. Council, and

WHEREAS, the Defibrillator was purchased at a cost of \$2,160.90 and the Childbirth Simulators were purchased at a cost of \$1,191.90 each.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept the donated Defibrillator and Childbirth Simulators from the Wyoming-Erie Regional E.M.S. Council, and be it further

RESOLVED, that said equipment will be used by the Division of Emergency Medical Services, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Office of the Comptroller, the Department of Health, the W.E.R.E.M.S. Council and the Department of Law.

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(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

DEMONE A. SMITH
CHAIRMAN

MR. SMITH moved to separate items #1a (Comm. 15M-42 2003) & 1b (Comm. 11E-5 2004) and moved the approval of the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved to send items #1a back to the HUMAN SERVICES COMMITTEE. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved to send items #1b back to the HUMAN SERVICES COMMITTEE. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 24 – MR. WROBLEWSKI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 404

September 20, 2004

COMMUNITY ENRICHMENT
 COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT EXCEPT LEGISLATOR McCARVILLE.

1. RESOLVED, that the following item is hereby received, filed and referred to the HUMAN SERVICES COMMITTEE.

- | | | | | |
|----|---|------|-------|---------------|
| | Item | Page | -2003 | (Intro. 13-9) |
| a. | HOLT & SMITH: Allocating EC Funding from Brown & Williamson Tobacco Settlement for Regional Assets on Buffalo's East Side. | | | |
| | (4-0) Legislator McCarville absent. | | | |

2. RESOLVED, that the following items are hereby received and filed.

- | | | | | |
|----|-------------------------------------|------|-------|---------------|
| | Item | Page | -2004 | (Comm. 10D-6) |
| a. | ECC: 2004 – 2005 Budget. | | | |
| | (4-0) Legislator McCarville absent. | | | |

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- Item Page -2004 (Comm. 16E-5)
 b. **WROBLEWSKI:** Notice to Legislators Re: 2004 – 2005 ECC Budget Process.
 (4-0) Legislator McCarville absent.
- Item Page -2004 (Comm. 17D-3)
 c. **COUNTY ATTORNEY:** Memorandum to Chairman Holt Re: EC 2004 – 2005 Budget Senior
 Executive Staff Salary Increases.
 (4-0) Legislator McCarville absent.
- Item Page -2004 (Comm. 17D-5)
 d. **ECC:** Response to County Attorney's Memorandum to Chairman Holt Re: EC 2004 – 2005
 Budget Senior Executive Staff Salary Increases.
 (4-0) Legislator McCarville absent.

TIMOTHY M. WROBLEWSKI
CHAIRMAN

MR. WROBLEWSKI moved the approval of the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 25 – MR. SCHROEDER presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 405

REVISED

September 20, 2004

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 13

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
- Item Page -2003 (Comm. 15E-10)
 a. **RANZENHOFER:** Consolidation of Economic Development Committee Items.
 (5-0)
- Item Page -2004 (Comm. 5E-14)
 b. **SCHROEDER:** Consolidation of Items Related to LL Intro. No. 1 – 2003 – MBE/WBE
 Utilization Commitment Act, Comm. 3M-9, 15E-4, 17E-10 & 20E-7.
 (5-0)

- | | | | | |
|----|---|---|-------|----------------|
| | Item | Page | -2004 | (Comm. 9E-36) |
| c. | COUNTY EXECUTIVE: | Grover Cleveland Golf Course Irrigation System.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 16M-11) |
| d. | NFTA: | Audited Financial Statements for Fiscal Year Ended 3/31/04, Management Letter & Investment Audit for Fiscal Year 2004.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 19D-21) |
| e. | DPW: | New Oregon Road Bridge – Town of North Collins – Project Schedule/Status Update.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 19M-18) |
| f. | CITY OF BUFFALO DEPARTMENT OF ASSESSMENT & TAXATION: | Transit Mall Service Charge Roll.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 19M-32) |
| g. | NFTA: | 17A Report & Capital Expenditure Reports for 1 st Quarter of FY Ending 3/31/05.
(5-0) | | |
| | Item | Page | -2004 | (Comm. 19M-33) |
| h. | CITIZENS REGIONAL TRANSIT CORPORATION: | Expand Metrorail Now.
(5-0) | | |
| 2. | Item | Page | -2004 | (Comm. 19E-56) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, on June 26, 1979, the City of Buffalo granted to the County of Erie a license (hereinafter "License") to use a portion of West Genesee Street and Franklin Street for the erection of an illuminated ground sign (hereinafter "Marquee") to be used in connection with the operation of the Buffalo Convention Center, now known as the Buffalo-Niagara Convention Center (hereinafter "Convention Center"); and

WHEREAS, the Marquee was constructed by the County at or about the same time that the Convention Center was constructed; and

WHEREAS, the Marquee has not been operational for many years; and

WHEREAS, the Buffalo-Niagara Convention Center Management Corporation (hereinafter "Management Corporation"), which has managed the Convention Center on behalf of the City and County since the facility opened, desires to reconstruct, operate and maintain the Marquee for purposes relating to promoting the Convention Center.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the Management Corporation whereby the Management Corporation, its successors and assigns, shall reconstruct, operate and maintain the Marquee at its sole cost and expense for purposes relating to promoting the Convention Center; and be it further

RESOLVED, that such agreement shall continue in effect for the life of the Convention Center building, unless otherwise terminated; and be it further

RESOLVED, that pursuant to the License Agreement between the City and the County, the Management Corporation will not undertake the reconstruction of such Marquee until the size, design, illumination and other physical details of such sign have the prior written approval of the Commissioner of Public Works of the County and the Commissioner of Public Works of the City; and be it further

RESOLVED, that the County shall permit the Management Corporation and its successors and assigns to sell advertising on the Marquee to help defray the costs of the reconstruction, operation and maintenance of the Marquee, provided that such advertising is tasteful and not unlawful, and the County shall make no claim to the proceeds of such advertising sales; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, County Attorney, Director of Budget, Management & Finance, Commissioner of Public Works of the County, Commissioner of Public Works of the City, and Facility Director of the Buffalo-Niagara Convention Center Management Corporation (Convention Center Plaza, Buffalo, NY 14202).

(5-0)

3. Item Page -2004 (Comm. 19E-79)

COUNTY EXECUTIVE

WHEREAS, The County of Erie is interested in fostering business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the environmentally sound reuse of urban brownfields for productive use, be it industrial, commercial or recreational; and

WHEREAS, Erie County desires to assist in increasing shipping and rail business in our region; and

WHEREAS, Erie County desires to work with the South Buffalo Rail Road, the Gateway Corporation, the International Steel Group, and the City of Lackawanna to redevelop this brownfield and participate in the construction through various state and federal programs and direct contracting for these services where appropriate,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts to receive Two Million Dollars (\$2,000,000) from the State of New York's Multimodal 2000 Program and enter into contracts with the New York State Department of Transportation, the Erie County Industrial Development Agency, the Lackawanna Community Development Corporation, the City of Lackawanna and the South Buffalo Rail Road and other necessary parties for the purpose of funding rail projects which will move the redevelopment forward on the former Bethlehem Steel site; and be it further

RESOLVED, That the County Executive is authorized to enter into agreements for ownership of property or easements as may be necessary for infrastructure improvements such as sewers, waterlines, rail, utility corridors, roadways, and public greenways; and be it further

RESOLVED, That the County Executive is authorized to enter into agreements for purposes of environmental remediation, indemnification or environmental covenants with the South Buffalo Rail Road, Gateway Corporation, International Steel Group, the City of Lackawanna, Lackawanna Community Development Corporation, Erie County Industrial Development Agency, the New York State Department of Environmental Conservation and other necessary parties; and be it further

RESOLVED, That the source of funds will be \$2,000,000 available in the approved New York State Multimodal 2000 Program; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0)

4. Item Page -2004 (Comm. 19E-80)

COUNTY EXECUTIVE

WHEREAS, the New York State Canal Corporation and the County of Erie have jointly undertaken the design of the Erie Canalway Trail in the Towns of Tonawanda and Amherst; and

WHEREAS, said trail represents a significant component to the regional recreation system to be enjoyed by all County residents; and

WHEREAS, prior to project construction the duties and responsibilities of Erie County and the Canal Corporation relative to trail maintenance require definition through a written agreement,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Canal Corporation as pertains to future maintenance of the Erie Canalway Trail in the Towns of Tonawanda and Amherst; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the County Executive; the Commissioners of the Departments of Environment and Planning; Parks, Recreation and Forestry; and Public Works.

(5-0)

			AS AMENDED
5.	Item	Page	(Intro. 19-4)
		-2004	
	RANZENHOFER, MARSHALL, SMITH, KUWIK, SWANICK & SCHROEDER		
	WHEREAS, Erie County owns and maintains over 1,200 miles of roads, and		

WHEREAS, each year a list of roads to be repaired with Erie County Department of Public Works, Highway Division Operation and Maintenance money is created, and

WHEREAS, during the year priorities for which roads need maintenance immediately and which roads can wait for repair may need to be altered, and

WHEREAS, \$28,000 was set aside to oil and chip Meahl Road and \$7,000 was set aside to oil and chip Schurr Road in the 2004 Department of Public Works, Highways Division Operation and Maintenance Budget, and

WHEREAS, it has become apparent that Keller Road and Rapids Road are in greater need of maintenance and repair in 2004, and

WHEREAS, Keller Road can be repaired for \$11,500 and Rapids Road can be repaired for \$18,000, for a total of \$30,300, leaving \$4,700, to be allocated for surface repairs on Meahl Road, and

WHEREAS, \$328,050, was originally budgeted to top coat East Holland Road, and

WHEREAS, it has become apparent that Hunters Creek Road between Route 78 and Warner Hill Road is also in desperate need of repair, and

WHEREAS, if \$200,000 originally budgeted for East Holland Road is used to recycle Hunters Creek Road between Route 78 and Warner Hill Road that will leave \$128,050 to also recycle East Holland Road.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes \$11,500 to oil and chip Keller Road, \$18,000 to oil and chip Rapids Road, and the remaining \$4,700 to do surface repairs on Meahl Road, and be it further

RESOLVED, that of the originally budgeted \$328,050 for top coating East Holland Road, \$200,000 be allocated to recycle Hunters Creek Road between Route 78 and Warner Hill Road with the remaining \$128,050 being used to recycle East Holland road, and be it further

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RESOLVED, that the Department of Public Works Highway Division undertake these repairs as soon as possible, and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Executive Joel A. Giambra, Commissioner of Public Works, Maria Lehman, Director of the Division of Budget, Management and Finance, Joseph Passafiume.

Fiscal Impact: POSITIVE
 (5-0)

AS AMENDED

6. Item Page -2004 (Intro. 19-5)
SWANICK, CHASE, SMITH, KUWIK, SCHROEDER & MARSHALL
 WHEREAS, Governor Pataki's FYE 2005 New York State Budget contained \$241.8 million in Consolidated Highway Improvement Program (CHIPs) capital funds for counties and New York City, and

WHEREAS, this \$241.8 million in CHIPs capital funds proposed by the Governor represented the same level as the FYE 2003 New York State Budget, and

WHEREAS, the New York State Legislature's budget adopted in August, 2004 saw fit to add an additional \$34.9 million to the CHIPs allocation to the FYE 2005 New York State Budget, and

WHEREAS, the FYE 2005 New York State Budget now contains \$276.7 million in CHIPs capital funds for counties and New York City, and

WHEREAS, \$276.7 million in CHIPs capital funds now equals the amount allocated in the adopted FYE 2004 New York State Budget, and

WHEREAS, Erie County now stands to receive \$1.2 million in additional CHIPs money for FYE 2005, and

WHEREAS, the Erie County Legislature wishes to express its desire to obtain the additional CHIPs capital funds approved by the New York State Legislature and allocated to Erie County in the adopted FYE 2005 New York State Budget, and

WHEREAS, this additional \$1.2 million in CHIPs capital funds be used to assist the Erie County Department of Public Works with its 2004 Road Program given that the Department maintains over 1200 miles of roads in the County,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature wishes to express its desire to obtain the full allocation of CHIPs capital funds, including the additional \$1.2 million adopted in the FYE 2005 New York State Budget, and be it further

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RESOLVED, that up to an additional \$1.3 million in CHIPs capital funds be used to assist the Erie County Department of Public Works with its 2004 Road Program given that the Department maintains over 1200 miles of roads in the County, and be it further

RESOLVED, that certified copies of this resolution be sent to Members of the Western New York Delegation to the New York State Legislature, Erie County Executive Joel A. Giambra, Erie County Comptroller Nancy Naples, Erie County Budget Director Joseph Passafiume, and the Erie County Department of Public Works Commissioner Maria Lehman.

FISCAL IMPACT: Positive for Erie County.
 (5-0)

MARK J. F. SCHROEDER
CHAIRMAN

MS. MARINELLI moved to separate item #5 (Intro. 19-4) and moved the approval of the balance of the report. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to send item #5 (Intro. 19-4) back to the ECONOMIC DEVELOPMENT COMMITTEE. MR. SCHROEDER seconded. LEGISLATORS MARSHALL, MCCARVILLE & RANZENHOFER in the negative.

CARRIED (12-3).

LEGISLATORS RESOLUTIONS

Item 26 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 406

Re: Transfer of Public Benefit Funds.
 (Intro. 20-1)

A RESOLUTION SUBMITTED BY LEGISLATOR SMITH

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

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WHEREAS, On July 8, 2004, Intro 16-3 (2004) as amended, was approved designating the to receive an application for Public Benefit Funding, and,

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

RESOLVED, the designation for the Erie County Retired and Senior Volunteer Program-Tribute Day Luncheon per Intro16-3 (2004) be reallocated to a new and proper designation per passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$100 from Cost Center 1401010 Commitment Item 502100 to the Senior Services Interfund Transfer Cost Center 1631010 Account 559000, and be it further

RESOLVED, that that County Executive is authorized to accept \$100.00 from the legislative funds for the RSVP Grant to help underwrite part of the cost of 'Tribute Day', and be it further

RESOLVED, that the budget for the RSVP Grant, 163RSVP0405, be revised as follows:

REVENUES

Account	Description	CURRENT BUDGET	CHANGES	AMENDED BUDGET
479000	Interfund Revenue	\$48,731	\$100	\$48,831

APPROPRIATIONS

53000	Other Expenses	11,515	100	11,615
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And be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the third (3rd) **WHEREAS** in its entirety and **REPLACE** with the following:

WHEREAS, On July 8, 2004, Intro 16-3 (2004) as amended, was approved designating the Erie County Retired and Senior Volunteer Program – Tribute Day Luncheon to receive an application for Public Benefit Funding, and

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MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 27 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 407

Re: Consideration for Public Benefit
 Funding. (Intro. 20-2)

A RESOLUTION SUBMITTED BY LEGISLATORS MARINELLI,
 DEBENEDETTI, DUSZA, SCHROEDER, SMITH, & WROBLEWSKI

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3- 2002, and,

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

WHEREAS, On January 22, 2004, the Erie County Legislature approved Intro 3-2 (2004), designating the Buffalo Building Trades Development Partnership, Inc. to receive an application for Public Benefit Funding,

WHEREAS, On February 5, 2004, the Erie County Legislature approved Intro 4-20 (2004), as amended, designating the Buffalo Building Trades Development Partnership, Inc. to receive an application for Public Benefit Funding, and be it further

WHEREAS, On March 4, 2004, the Erie County Legislature approved Intro 6-14 (2004), designating the Buffalo Building Trades Development Partnership, Inc. to receive an application for Public Benefit Funding,

NOW, THEREFORE, BE IT,

RESOLVED, the designation for the Buffalo Building Trades Development Partnership, Inc. per Intro's 3-2 (2004), 4-20 (2004), and 6-14 (2004), be reallocated to a new and proper passage designation of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

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<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
WNY AFL-CIO Economic Development Group, Inc.	\$28, 500	MARINELLI, DEBENEDETTI, DUSZA, SCHROEDER, SMITH and WROBLEWSKI
Total	\$28,500	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Crystal L. Quick-Public Benefit Administrator; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: none

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 28 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 408

Re: Consideration for Public Benefit
Funding. (Intro. 20-3)

A RESOLUTION SUBMITTED BY LEGISLATOR WROBLEWSKI

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
West Seneca Police Benevolent Association	\$1,500	Wroblewski
D.A.R.E Program	\$1,000	Wroblewski
Literacy Volunteer of America Buffalo and Erie County	\$1,000	Wroblewski
Vigilant Fire District No. 6	\$2,000	Wroblewski
SCOPE	\$1,000	Wroblewski
West Seneca Senior Center	\$1,000	Wroblewski
Southline Fire District No.10	\$1,000	Wroblewski
Graycliff Conservancy Inc.	\$1,000	Wroblewski
West Seneca Lions Club	\$2,000	Wroblewski
Harvey D. Morin Post/ Veterans of Foreign Wars Post 2940	\$500	Wroblewski
West Seneca Veterans of Foreign Wars Post 8113	\$500	Wroblewski
West Seneca American Legion Post 735	\$1,000	Wroblewski
Junior Achievement of Western New York, Inc.	\$500	Wroblewski
West Seneca Youth Bureau Americorps	\$12,000	Wroblewski
West Seneca Town Clerk	\$1,000	Wroblewski
West Seneca Chamber of Commerce	\$1,000	Wroblewski
City of Lackawanna	\$1,000	Wroblewski
West Seneca Sharks Swim Club	\$500	Wroblewski
Firemen's Memorial Exhibit Center of Western New York, Inc.	\$500	Wroblewski
West Seneca West High School Marching Band	\$1,000	Wroblewski
TOTAL	\$ 31,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators – Crystal L. Quick and Laurie A. Manzella of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the Resolution in its entirety and **REPLACE** with the following:

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WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
West Seneca Police Benevolent Association	\$1,500	Wroblewski
D.A.R.E Program	\$1,000	Wroblewski
Literacy Volunteer of America Buffalo and Erie County	\$1,000	Wroblewski
Vigilant Fire District No. 6	\$2,000	Wroblewski
SCOPE	\$1,000	Wroblewski
West Seneca Senior Center	\$1,000	Wroblewski
Southline Fire District No.10	\$1,000	Wroblewski
Graycliff Conservancy Inc.	\$1,000	Wroblewski
West Seneca Lions Club	\$2,000	Wroblewski
Harvey D. Morin Post/ Veterans of Foreign Wars Post 2940	\$500	Wroblewski
West Seneca Veterans of Foreign Wars Post 8113	\$500	Wroblewski
West Seneca American Legion Post 735	\$1,000	Wroblewski
Junior Achievement of Western New York, Inc.	\$500	Wroblewski
West Seneca Youth Bureau Americorps	\$12,000	Wroblewski
West Seneca Town Clerk	\$1,000	Wroblewski
West Seneca Chamber of Commerce	\$1,000	Wroblewski
City of Lackawanna	\$1,000	Wroblewski
West Seneca Sharks Swim Club	\$500	Wroblewski
Firemen's Memorial Exhibit Center of Western New York, Inc.	\$500	Wroblewski
West Seneca West High School Marching Band	\$1,000	Wroblewski
Seneca Hose Fire District No.5	\$1,500	Wroblewski
Union Fire District No. 2	\$1,500	Wroblewski
West Seneca Fire District No. 1 (Winchester)	\$1,500	Wroblewski
West Seneca Fire District No. 3 (Reserve)	\$1,500	Wroblewski
East Seneca Fire District No. 4	\$1,500	Wroblewski
TOTAL	\$ 38,500	

And be it further

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RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator's- Crystal L. Quick and Laurie A. Manzella of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None.

MS. MARINELLI moved to further amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

AMENDMENT "B"

- **ADD** the following as the new second (2nd) RESOLVE:

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Group Ministries	\$1,000	SMITH
Forever Elmwood	\$2,500	SMITH
Love Supreme School of Music	\$1,000	SMITH
Back to Basics	\$2,000	SMITH
TOTAL	\$6,500	

and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 29 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 409

Re: Transfer of Public Benefit Funds.
(Intro. 20-4)

A RESOLUTION SUBMITTED BY LEGISLATORS
DEBENEDETTI, KUWIK & MINORITY CAUCUS

WHEREAS, the Legislature set aside funds in the 2003 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds, and be it further

WHEREAS, On September 25, 2003, the Erie County Legislature approved Intro 16-4 (2003), as amended, designating the Buffalo Building Trades Development Partnership, Inc. to receive an application for Public Benefit Funding, and be it further

WHEREAS, On November 13, 2003, the Erie County Legislature approved Intro 20-3 (2003), designating the Buffalo Building Trades Development Partnership, Inc. to receive an application for Public Benefit Funding, and be it further

WHEREAS, On November 13, 2003, the Erie County Legislature approved Intro 20-4 (2003), as amended, designating the Buffalo Building Trades Development Partnership, Inc. to receive an application for Public Benefit Funding, and be it further

WHEREAS, On November 20, 2003, the Erie County Legislature approved Intro 22-1 (2003), designating the Buffalo Building Trades Development Partnership, Inc. to receive an application for Public Benefit Funding, and be it further

WHEREAS, On February 5, 2004, the Erie County Legislature approved Intro 4- 2 (2004), as amended, transferring \$22,000 from the legislative Contractual Account (110905100830), to Department 301 Agency Payments and Grants- Public Benefit Services (110921301830) for payment,

NOW, THEREFORE, BE IT,

RESOLVED, that \$22,000 now be returned to the Legislature-Contractual Fund Cost Center 1341010, from Funds Reservation 100000078-1, and be it further

RESOLVED, the designation for the Buffalo Building Trades Development Partnership, Inc. per Intro's 16-4 (2003), 20-3 (2003), 20-4 (2003) and 22-1 (2003), be reallocated to a new and proper passage, and be it further

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RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the WNY AFL- CIO Economic Development Group, Inc., and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$22,000 from the 2003 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following group:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
WNY AFL CIO Economic Development Group Inc.	\$22,000	DEBENEDETTI, DUSZA, KUWIK, and MINORITY CAUCUS
Total	\$22 000	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Crystal L. Quick-Public Benefit Administrator; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2003 budgeted funds

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the 4th **WHEREAS** Clause in its Entirety
- **DELETE** the 1st **RESOLVE** Clause in its Entirety and **REPLACE** with:

RESOLVED, that \$15,000 now be returned to the Legislature-Contractual Fund Cost Center 1341010, from Funds Reservation 100000078-1, and be it further

- **DELETE** the 3rd **RESOLVE** Clause in its Entirety and **REPLACE** with:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$15,000 from the 2003 Legislature-Contractual Fund Cost Center 1341010 to set up funds reservation for the following groups

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<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
WNY AFL-CIO Economic Inc Development Group	\$15,000	DeBenedetti Dusza & Kuwik
Total	\$15,000	

And be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 30 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 410

Re: Correction of Typographical Error -
Intro. 17-4 (2004). (Intro. 20-5)

A RESOLUTION SUBMITTED BY LEGISLATORS HOLT, MARINELLI, DEBENEDETTI, DUSZA, KUWIK, SCHROEDER, SMITH, WROBLEWSKI, RANZENHOFER, CHASE, CUSACK, MARSHALL, MCCARVILLE, SWANICK AND WEINSTEIN

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that a typographical error be corrected to reflect a total dollar amount of \$217,990 within the first resolved clause, and be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

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RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators- Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2004 budgeted funds

MS. MARINELLI moved to amend the resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the first **RESOLVE** Clause in its entirety and **REPLACE** with the following:

RESOLVED, that typographical errors be corrected to reflect a total dollar amount of \$217,990 within the second resolved clause, and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 31 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 411

Re: Correction to Intro. 5-14 (2004).
(Intro. 20-6)

A RESOLUTION SUBMITTED BY LEGISLATOR SMITH

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3- 2002, and,

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

WHEREAS, On February 19, 2004, the Erie County Legislature approved Intro 5-14 (2004), as amended designating public benefit funds, and

NOW, THEREFORE, BE IT,

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RESOLVED, that a correction be made within the first resolved clause, removing the Majority Staff of the Erie County Legislature, in the amount of \$13,000, and

RESOLVED, that it be noted the Public Benefit Administrator did not send an application to the Majority Staff of the Erie County Legislature,

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Crystal L. Quick-Public Benefit Administrator; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: none

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 32 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 412

Transfer of Public Benefit Funds.
(Intro. 20-7)

A RESOLUTION SUBMITTED BY LEGISLATOR DUSZA

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

WHEREAS, On May 27, 2004, Intro 11-10 (2004) as amended, was approved designating the Town of Lancaster Youth Wrestling to receive an application for Public Benefit Funding, and

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RESOLUTION NO. 413

Re: Alden-Newstead Agricultural District (No. 1), Clarence-Newstead Agricultural District (No. 14) – 8 Year Review. (Intro. 20-8)

A RESOLUTION SUBMITTED BY LEGISLATORS HOLT, MARINELLI, RANZENHOFER, DEBENEDETTI, DUSZA, KUWIK, SCHROEDER, SMITH, WROBLEWSKI, CHASE, CUSACK, MARSHALL, McCARVILLE, SWANICK & WEINSTEIN

WHEREAS, the Alden-Newstead Agricultural District (No. 1), and the Clarence-Newstead Agricultural District (No. 14) were initially created November 19, 1972 and April 9, 1980, respectively; and

WHEREAS, Article 25AA of the New York State Agricultural and Markets Law, Section 303-a.1., specifies that the County Legislative body shall review any agricultural district created under this section eight years after the date of its creation and every eight years thereafter; and

WHEREAS, pursuant to a resolution on February 5, 2004, the Erie County Legislature directed the Clerk of the Legislature to publish a public notice of the districts' review; and

WHEREAS, the districts were duly referred to the Erie County Division of Planning and to the Agricultural and Farmland Protection Board (formerly the Agricultural District Advisory Committee) of this Legislature for review of the districts; and

WHEREAS, on the 3rd day of August 2004, pursuant to public notice, a public hearing was held within the agricultural districts at the Newstead Town Hall; and

WHEREAS, various matters were brought before the public hearing, discussed and considered; and

WHEREAS, the following modifications (additions) were proposed to the Clarence-Newstead Agricultural District resulting in an increase of 137.06 acres to that district:

ADDITIONS

<i>NAME</i>	PROPERTY LOCATION	ACRES	TAX I.D.
Howard & Grace Brucker	Hake Road, Newstead	50.26	21.00-2.43.111
		10.75	21.00-2-43.112
Richard & Marcy Wood	Clarence Center Rd - Clarence	76.05	59.00-3-9.111
	Total	137.06 acres	

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WHEREAS, in accordance with the New York State Environmental Quality Review Act of 1975 and in accordance with adopted review procedures and the criteria set forth in Part 617, these two agricultural districts and the modifications have been reviewed and determined to have no significant effect on the environmental (Exhibit A).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve and reaffirm the existing Alden-Newstead (No. 1) and the Clarence-Newstead (No. 14) Agricultural Districts together with the modifications (additions) and the Negative Declaration; and be it further

RESOLVED, that upon adoption of this resolution, the Clerk of the Legislature is hereby directed to forward the necessary documentation to the appropriate officials of the State of New York in accordance with the Agricultural and Markets Law and that certified copies of this resolution be sent to the Erie County Department of Environment and Planning, and to the Town Supervisors and Town Clerks of Alden, Clarence and Newstead.

FISCAL IMPACT: NONE

EXHIBIT A

STATE ENVIRONMENTAL QUALITY REVIEW
 NEGATIVE DECLARATION
 NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the NYS Environmental Conservation Law.

Date: September 9, 2004

TO: NYSDEC – Region 9

Hon. Richard A. Savage, Supervisor, Town of Alden
 Hon. Kathleen E. Hallock, Supervisor, Town of Clarence
 Hon. Gerald F. Summe, Supervisor, Town of Newstead
 Erie County – Department of Environment and Planning
 New York State Department of Agriculture and Markets

LEAD AGENCY: Erie County PROJECT # C617-04-791

ACTION: Clarence-Newstead Agricultural District (#14) – Recertification with
 Modification
 Alden-Newstead Agricultural District-Recertification (no
 modification)

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LOCATION: Towns of Alden, Clarence and Newstead – Erie County (see map attached)

SEQR STATUS: Unlisted

DESCRIPTION OF ACTION:

Recertification (8-year review) of the Alden-Newstead (#1) and Clarence-Newstead (#14) Agricultural Districts. Modifications to the Clarence-Newstead Agricultural District are proposed.

Reasons Supporting This Determination:

- The Department of Agriculture and Markets, as lead agency for the Agricultural Districts Program, has conducted a programmatic review of the environmental effects of agricultural districting and has concluded that there is little likelihood of significant adverse environmental impact resulting from the modification of such districts.
- The district does not involve unique circumstances which increase the likelihood of environmental significance and does not conflict with local and county plans. This recertification will not have a significant effect on the environment because significant changes in land use or the intensity of this use within the agricultural district are not anticipated; therefore, there will not be a substantial adverse change in existing air quality, water quality, noise levels, drainage problems, nor in the potential for erosion and flooding. Review of the area characteristics indicates that this recertification will not adversely affect any significant wildlife, plant, or fish habitats.

All facts and findings of this review are on file at the Department of Environment and Planning, 10th Floor, Rath Building, 95 Franklin Street, Buffalo, New York 14202. These files may be examined by the public between the hours of 9:00am and 4:00pm of any normal operating day.

Written comments may be submitted to the Deputy Commissioner of the Erie County Department of Environment and Planning.

ANDREW M. ESZAK, AICP

For further information contact:

Chet C. Jandzinski, Consultant – 716-858-2841

John S. Opalka, Planner – 716-858-6229

MS. MARINELLI moved the approval of the resolution. MR DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 34 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 414

Re: Consideration for Public Benefit
 Funding. (Intro. 20-9)

A RESOLUTION SUBMITTED BY
 LEGISLATOR WEINSTEIN

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
University At Buffalo Foundation	\$5,000	WEINSTEIN

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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Item 35 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 415

Re: Consideration for Public Benefit
 Funding. (Intro. 20-10)

A RESOLUTION SUBMITTED BY
 LEGISLATOR CUSACK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Amherst Chamber of Commerce	\$5,000	CUSACK

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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Item 36 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 416

Re: Consideration for Public Benefit
 Funding. (Intro. 20-11)

A RESOLUTION SUBMITTED BY
 LEGISLATORS SWANICK, CUSACK & WEINSTEIN

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Town of Tonawanda (<i>Rodent Control</i>)	\$4,000	SWANICK, CUSACK & WEINSTEIN

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

Item 37 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 417

Re: Consideration for Public Benefit
 Funding. (Intro. 20-12)

A RESOLUTION SUBMITTED BY
 LEGISLATOR CHASE

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Steepleview Housing Development Fund, Co, Inc.	\$1,000	CHASE
Village of Angola	\$1,470	CHASE
Hamburg Natural History Society	\$1,000	CHASE
Eden Kindercare	\$2,000	CHASE
Sisterhood Wellness Center, Inc.	\$2,500	CHASE
Character First in Hamburg	\$1,000	CHASE
Buffalo Workforce Development Center	\$1,000	CHASE
TOTAL	\$9,970	

And be it further

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RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None for Resolution

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 38 – CHAIRMAN HOLT directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 20-13 From LEGISLATOR SMITH Re: EC Probation Participation in Bar Sweeps & Block Club Meetings.

Item 39 – CHAIRMAN HOLT directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 20-14 From LEGISLATOR SMITH Re: Establishment of a Warrant Alert System Forwarding Warrants to Community Based Organizations, Churches & Block Clubs Added to EC Website.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 40 – MS. MARINELLI moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 19E-55 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 418

Re: Social Services – Office Supplies
 Budget Restoration.

WHEREAS, the Department of Social Services is seeking authorization to increase the current year appropriation for the purchase of office supplies, and

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WHEREAS, there are insufficient funds available to provide for the purchase of copy paper, computer paper, toner cartridges, writing instruments and related items that are critical for Department operations, and

WHEREAS, current stocks of these critical supplies will be depleted by the end of September, and

WHEREAS, there is no fiscal impact to this proposed resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
505000	Office Supplies	<u>\$120,000</u>
	Total Expenditures	<u>\$120,000</u>
411540	Federal Aid – Social Services Admin	\$60,000
407540	State Aid – Social Services Administration	30,000
466180	Unanticipated Prior year Revenue	<u>30,000</u>
	Total Revenues	<u>\$120,000</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

MS. MARINELLI moved to amend the resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following as the new second (2nd) RESOLVE Clause:

RESOLVED, that these budget amendments are effectuated due, in part, to the receipt of unanticipated prior year revenue by the County, and be it further

- **ADD** the following as the new third (3rd) RESOLVE Clause:

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RESOLVED, that in keeping with Section 1805 of the County Charter, the County Legislature calls on the County Executive and administration to expeditiously report, in the future, all unanticipated revenue to the County Legislature, and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 41 – MS. MARINELLI moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 19E-25 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 419

Re: Appointment of the Commissioner of Social Services.

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. Michael Weiner as the Commissioner of Social Services for the County of Erie for a term to expire September 23, 2009.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 42 – MR. RANZENHOFER moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 16E-9 (2004). MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 7, NOES 8).

FAILED.

Item 43 – MR. RANZENHOFER moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Intro. 15-10 (2004). MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 7, NOES 8).

FAILED.

SUSPENSION OF THE RULES

Item 44 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Comm. 20M-4 From ERIE COUNTY FAMILY JUSTICE CENTER Re: Budget amendment (478 Main Street).

Item 45 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Comm. 20E-19 From LEGISLATORS HOLT & DUSZA Re: Letter to Erie County Environmental Management Council Re: Review of the Erie County Mandatory Pesticide Notification Act.

Item 46 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

RESOLUTION NO. 420

Re: Agricultural Districts –
 Establishment of Annual Thirty-day
 Period to Consider Inclusion of New
 Parcels. (Intro. 20-15)

A RESOLUTION SUBMITTED BY LEGISLATORS
 HOLT, MARINELLI, RANZENHOFER, DEBENEDETTI, DUSZA
 KUWIK, SCHROEDER, SMITH, WROBLEWSKI, CHASE, CUSACK,
 MARSHALL, McCARVILLE, SWANICK & WEINSTEIN

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WHEREAS, The Chapter 523 of the Laws of 2003 did amend NYS Agricultural and Markets Law which now requires the County Legislature to designate an annual thirty-day time period within which a land owner may submit a request for inclusion on land which is predominantly viable agricultural land within a certified agricultural district prior to the County established review period.

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby designate the time period from November 1st to November 30th as the annual thirty-day time period within which a land owner may submit a request for inclusion on land which is predominantly viable agricultural land within a certified agricultural district prior to the County established review period; and be it further

RESOLVED, That this thirty-day time period as now designated shall remain in effect for future years until it is changed by the County Legislature; and be it further

RESOLVED, That the Department of Environment and Planning is authorized to prepare the necessary form to accommodate requests for inclusion into an agricultural district; and be it further

RESOLVED, That the Clerk of the County Legislature is authorized to make notifications to the agricultural organizations, local governments and the media of this annual thirty-day time period.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 47 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following letter be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Comm. 20D-3 From DPW Re: Follow-up letter Re: Additional CHIPS funding.

Item 48 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

Comm. 20E-20 From LEGISLATOR SWANICK Re: Request for Surplus Computers.

RECEIVED, FILED & PRINTED.

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ERIE COUNTY LEGISLATURE

September 22, 2004

Hon. Kevin Kelley
Clerk, Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, NY 14202

Re: Intro. 24-5 (2003) Availability of Surplus Computers.

Dear Mr. Kelley:

I have received a request from The Baptist School, 72 Niagara Street, Tonawanda, New York for ten (10) to fifteen (15) surplus computers to assist in their classrooms and students. A copy of the request letter from The Baptist School is attached for your reference.

Sincerely,

Charles M. Swanick
Erie County Legislator
10th District

Attachment

Cc:

Ken Beam, DISS Administration

September 9, 2004

The Honorable Charles M. Swanick
3200 Elmwood Ave.
Room 100
Kenmore, NY 14217

Dear Mr. Swanick,

I was recently was made aware of a program handled by your office that provided computers for private schools and nonprofit organizations. Our school at this rime is in me process of trying to *secure* computers for our classrooms and our Students. Any assistance you may be able to provide would be much appreciated.

The Baptist School is now in its 13th year of existence. We provide a quality education (approved by the city of Tonawanda) at a very inexpensive rate. We believe that our school is such a necessary entity that we purposely have low tutition rates so that many more can attend. Due to this fact securing items such as computers becomes a chore due to the lack of incoming funds. We also do nor take any monies from any school district.

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Currently we are in need of ten to fifteen computers to properly equip our school. Any help that can be afforded us would be greatly appreciated. You may contact me at any time either by mail or phone. My cell phone number is 984-7147 if I am not in the office.

I appreciate a program such as this that helps schools like ours as well as your own person involvement.

Thank you,

Rev. Nicholas Cultrara
Principal, The Baptist School

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 49 – (Comm. 20E-1) Letter to Legislator DeBenedetti Re: Comm. 17E-14.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIRMAN HOLT

Item 50 – (Comm. 20E-2) Majority Appointment to Erie County Records Commission.

RECEIVED, FILED & PRINTED.

September 15, 2004

The Honorable David J. Swarts
Clerk
County of Erie
25 Delaware Avenue
Buffalo, NY 14202

Dear Mr. Swarts:

Pursuant to Erie County Local Law 12-1989, which established the Erie County Records Commission, the Majority Caucus of the Erie County Legislature hereby appoints Kevin M. Kelley, Clerk of the Erie County Legislature, as its appointee on the Commission.

Thank you for your courtesies.

Sincerely,

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George A. Holt, Jr.
Chairman

cc: Kevin M. Kelley

FROM THE COMPTROLLER

Item 51 – (Comm. 20E-3) Letter to Legislator DeBenedetti Re: Request for Audit of ECWA.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATORS HOLT, RANZENHOFER & MARINELLI

Item 52 – (Comm. 20E-4) Request for Surplus Computers.

RECEIVED, FILED & PRINTED.

September 13, 2004

Hon. Kevin Kelley
Clerk
Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

Re: Intro 24-5 (2003) Availability of Surplus Computers

Dear Mr. Kelley:

We have received a request from Computers for Children (237 Main Street, Suite 400, Buffalo, New York 14203) for as many as two hundred (200) surplus computers to be refurbished and placed in schools throughout Erie County. If you have any questions please contact us.

Sincerely,

George A. Holt, Jr.
Chairman
Erie County Legislature

Michael H. Ranzenhofer
Minority Leader
Erie County Legislature

Lynn M. Marinelli
Majority Leader
Erie County Legislature
Attachment

cc:

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Ken Beam, DISS Administration



Computers For Children Donations Procedures



Thank you for your request on how to donate equipment to Computers For Children, Inc. The success of our organization depends upon the generosity of donors like you.

Why donate to Computers For Children?

The computer equipment donated to Computers For Children is refurbished and placed in schools right here in Western New York. Not only are you helping to improve educational opportunities for less-privileged schoolchildren, you'll be making a donation that is tax-deductible according to the 21st Century Classroom Act.

All contributions to Computers For Children, Inc., In-Kind & Cash are TAX-DEDUCTIBLE!!

<u>Donation Procedures</u>	<u>Computer Equipment Acceptable for Donation</u>	<u>Cash Donation of Computer Equipment – (Tax Deductible)</u>
<p>1. Call 716-843-8880</p> <p>2. Fax (716-843-8883) or Email cfc@computersforchildren.com the list of computer equipment. Please include number of units & the speed of computer processor.</p> <p>EXAMPLES: 12 – VGA monitors 10 – Pentium 166 MHz computers 12 – keyboards 2 – HP inkjet printers 12 – mice</p>	<p><u>CAN ACCEPT</u></p> <ul style="list-style-type: none"> • Systems (desktops, towers, or laptops) with a Pentium processor or better (166MHz or higher) • Any type of laser or inkjet printer • Any SVGA monitor with a 15-pin connection & 14" screen (or better). • Keyboards • Mice • Inkjet or laser printers 	<p>For each complete system donated to CFC, we REQUIRE a \$10 donation. This is used for recycling of unused computers & refurbishments of older computers. Printers & other peripheral equipment require an additional \$10 each.</p> <p><u>Complete Systems Include:</u></p> <p>1 Monitor ← \$10.00 Donation 1 CPU Desktop ← Tax-Deductible 1 Keyboard 1 Mouse</p>
<p>3. Once equipment is approved, Computers For Children will work with your schedule and trucking service to accept the donation. Please call 716-843-8880 to schedule donation drop-off.</p> <p>4. You will receive a certificate of in-kind where your donation will be listed. An invoice for cash contribution can be sent to your company or prearranged according to the approved inventory list.</p>	<p><u>CANNOT ACCEPT</u></p> <ul style="list-style-type: none"> • 486 processor or lower systems • Any non-working monitor • Dot-matrix printers • Apple or Macintosh equipment <p><u>Delivery of Computer Donations</u></p> <p>Deliver Acceptance Hours: Monday – Friday 10 AM & 4:30 PM</p> <p>CFC curbside pick up at rear of Main Seneca Building is directly across from the Pettibone's entrance at Dunn Tire Park on Washington Street. The inventory control personnel at CFC will coordinate all approved deliveries.</p>	<p>1 HP inkjet printer ← \$10.00 Donation 1 Brother laser printer ← Tax-Deductible (Each)</p> <p>\$30.00 TOTAL Tax Deduction Donation</p> <p><u>Waiver of Required Donation Fee:</u></p> <p>1. Donor provides transferable operating system license for each intended computer system donation. Valid Certificate of Authenticity must be presented at that time</p> <p>2. If equipment donated is more sophisticated than typically received. <i>System Example: Pentium III processor, 20 GB hard drive, & 256 MB RAM.</i></p>

Computers For Children is also in need of donations of excess older new product/inventory that could be utilized by our organization or put towards our fundraising efforts. All donations of this type are also tax-deductible.

*Thank you for your support and for helping to make educational goals a reality!
 Please fill out the attached in-kind donation form and return to Computers For Children, Inc.*

237 Main Street Suite 400 • Buffalo, New York 14203 • Phone 716-843-8880 • Fax 716-843-8883 •
cfc@computersforchildren.com • www.computersforchildren.com

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FROM THE COUNTY EXECUTIVE

Item 53 – (Comm. 20E-5) Legal Aid Bureau – Retention of 2003 Surplus.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 54 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 421

Re: Increase to Construction Contract,
 Reconstruction of Omphalius Road,
 Town of Hamburg. (Comm. 20E-6)

WHEREAS, the Erie County Legislature approved a contract for the Reconstruction of Omphalius Road, CR 439, in the Town of Boston, between Diamond ‘D’ Construction Corporation, Depew, New York and the County of Erie, in Meeting Number 15, held on July 18, 2002, Communication Number 11E-17, and

WHEREAS, the Department of Public Works has determined that it is necessary to increase the amount of this contract as the additional work exceeds the contingency amount previously authorized for this project due to unforeseen circumstances, and

NOW, THEREFORE, BE IT,

RESOLVED, that the contract amount be increased by an additional amount of \$300,000 to be allocated from the 2002 Highway Reconstruction Program (SAP B.00051) for a change order to the construction contract with Diamond ‘D’ Construction Corporation, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner – Highways, and one copy each to the County Executive, the Commissioner of Public Works, the Budget Director, and the Erie County Comptroller.

MS. MARINELLI moved to amend the resolution. MR. RANZENHOFER seconded. LEGISLATOR DEBENEDETTI in the negative.

CARRIED (14-1)

- **ADD** a third WHEREAS Clause.

WHEREAS, the reasons for this request are not a result of any input from the Town of Boston officials or their representatives, and

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MS. MARINELLI moved the approval of the resolution as amended. MR. RANZENHOFER seconded. LEGISLATOR DEBENEDETTI in the negative.

CARRIED (14-1).

Item 55 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 422

Re: EC Community Coordinating
 Council on Children & Families,
 Authorization to Accept a Grant & to
 Contract with EC Family Justice Center.
 (Comm. 20E-7)

WHEREAS, Erie County in partnership with law enforcement, the District Attorney's Office, the Judiciary, a diverse group of community-based organizations and the United Way of Buffalo and Erie County, applied for The President's Family Justice Center Initiative through the United States Department of Justice, Office of Violence Against Women, and

WHEREAS, Erie County is uniquely positioned to establish a Family Justice Center having just completed a community-wide strategic planning initiative entitled, *A Coordinated Community Response to Family Violence*, that included over 100 family violence service providers, professionals and community-based organizations, and

WHEREAS, the Erie County Community Coordinating Council on Children and Families has been awarded federal grant in the amount of \$945,712.00 for an eighteen month period, August 1, 2004 to February 28, 2006, by the United States Department of Justice, Office on Violence Against Women to establish a Family Justice Center, and

WHEREAS, Erie County was one of fifteen grants awarded nationally (out of over one hundred fifty applicants) to receive this funding, and

WHEREAS, Establishment of the Family Justice Center will co-locate law enforcement, judicial staff, civil legal counsel, domestic violence service providers, medical services, child care, chaplaincy and information systems, and

WHEREAS, Direct linkages to additional services such as shelters, specialized services, and parenting classes will be established, and

WHEREAS, The Family Justice Center will have a positive impact on the lives of victims of domestic violence by providing a "one-stop" that will enable individuals to move out of a violent situation.

NOW, THEREFORE, BE IT

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RESOLVED, that the County Executive be hereby authorized to accept an eighteen month grant award from the United States Department of Justice, Office of Violence Against Women in the amount of \$945,712.00 to establish a Family Justice Center, and to enter into all necessary contracts with the grantor relative to this award, and be it further

RESOLVED, that the grant project and budget be established in the Erie County Department of Social Services to establish the Family Justice Center for the period of August 1, 2004 through February 28, 2006, and be it further

RESOLVED, that the County Executive be authorized to contract with the Erie County Family Justice Center for these funds, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Erie County Community Coordinating Council on Children and Families, the Erie County Department of Social Services, the Office of the Comptroller, the Office of the County Executive and the Division of Budget, Management and Finance.

MS. MARINELLI moved the approval of the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 56 – (Comm. 20E-8) Tow Path Park – Phase II Improvements Design & Construction Inspection Services.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 57 – (Comm. 20E-9) Senior Services – Authorization to Revise AAA & EISEP Grants & PSA Program.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 58 – (Comm. 20E-10) Emergency Services – Accept Donation of Pick-Up/Plow Truck.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 59 – (Comm. 20E-11) Naming of New Casino at Sprague Brook Park.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 59 – (Comm. 20 E-12) Appointment & Reappointment to EC Board of Health.

RECEIVED, FILED & PRINTED.

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September 23, 2004

ERIE COUNTY LEGISLATURE

September 8, 2004

The Honorable
 Erie County Legislature
 25 Delaware Avenue
 Buffalo, New York 14202

Re: Appointment and Reappointment to the Erie County Board of Health

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Section 503, do hereby appoint the following individual to the Board of Health, for the term stated.

<u>NAME AND ADDRESS</u>	<u>TERM EXPIRATION</u>
Carolyn Montgomery 57 Meadowbrook Road Williamsville, New York 14221	December 31, 2006

Also, I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Section 503, do hereby reappoint the following individual to the Board of Health, for the term stated.

<u>NAME AND ADDRESS</u>	<u>TERM EXPIRATION</u>
Barbara Guida 5705 Strickler Road Clarence, NY 14031	December 31, 2009

Very truly yours,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/jda

cc: Appointees
 Commissioner Anthony Billittier, MD, Department of Health

Item 61 – (Comm. 20 E-13) Parks – Acceptance of Gift of T-Bars from Niagara County.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 62 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 423

Re: GIS Enhancement Grant.
 (Comm. 20E-14)

WHEREAS, The County of Erie has been awarded a \$50,974 grant from the New York State Archives for enhancements to the Erie County Geographic Information System (GIS); and

WHEREAS, The Department of Environment and Planning is the lead agency for this grant, which will provide the technology to make GIS data available through a County GIS clearinghouse, and which will also integrate the County's GIS data into the County's multi-user Relational Data Base Management System (RDBMS) environment,

NOW, THEREFORE, BE IT

RESOLVED, That unanticipated State revenue for a GIS Implementation project is hereby appropriated in the Grant Fund in the Department of Environment and Planning as follows:

Account 405110	State Aid – Records Improvement	\$50,974
	Total Revenue:	<u>\$50,974</u>
Account 510100	Out-of-Area Travel	\$ 3,110
510200	Training and Education	\$ 5,525
516020	Professional Services	\$38,339
561410	Lab and Technical Equipment	<u>\$ 4,000</u>
	Total Appropriations:	<u>\$50,974</u>

and be it further

RESOLVED, That the County Executive is hereby authorized to accept a grant from the New York State Archives in the amount of \$50,974; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget, Management, and Finance; the County Comptroller; and the Commissioner of the Department of Environment and Planning.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 63 – (Comm. 20E-15) Health – Public Health Preparedness Response to Bioterrorism - 5/1/02 – 8/31/03.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 64 – (Comm. 20E-16) Health – Healthy Neighborhoods Grant Revision – 10/1/03 - 9/30/04.

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Received and referred to the HUMAN SERVICES COMMITTEE.

Item 65 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 424

Re: Social Services – Authorization to
Accept Donated Funds. (Comm.20E-17)

WHEREAS, the Department of Social Services is seeking authorization to contract with the Adult Education Division of the Buffalo Public Schools and the Erie County Community College to receive unrestricted donated funds, and

WHEREAS, these funds are to be used for implementation of initiatives targeted to Temporary Assistance to Needy Families clientele, and

WHEREAS, there is a critical need to continue to provide staff for program management, oversight and coordination, as well as for contracts with St. Adalbert's, the South Buffalo Education Center, Buffalo Public Schools and Greater Buffalo Works for education and training programs and with Maji Consulting for program development services, and

WHEREAS, other expenses are to include training materials, postage, computer connections and student incentives, and

WHEREAS, there is no fiscal impact to the 2004 Adopted Budget resulting from this proposed resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or Commissioner of Social Services are authorized to enter into contacts with and to accept funds in the amount of \$142,500 from the Adult Education Division of the Buffalo Public Schools and for \$150,000 from Erie County Community College, and be it further

RESOLVED, that the County Executive and/or Commissioner of Social Services are authorized to enter into contacts with St. Adalbert's, South Buffalo Education Center, Greater Buffalo Works, Buffalo Public Schools and Maji Consulting, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Budget:

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Department of Social Services, Fund 110, Department 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
500000	Personal Services	\$103,164
502000	Fringe Benefits	22,696
516010	St. Adalbert's	140,000
516010	South Buffalo Education Center	45,140
516010	Greater Buffalo Works	150,000
516010	Buffalo Public Schools – Adult Education Division	30,000
516020	Maji Consulting	10,000
530000	Other Expenses	<u>84,000</u>
	Total Expense	<u>\$585,000</u>
411630	Federal Aid – Family Assistance Employment	\$292,500
418430	Donated Funds	<u>292,500</u>
	Total Revenues	<u>\$585,000</u>

and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

MS. MARINELLI moved the approval of the resolution. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

Item 66 – (Comm. 20E-18) ECSD No. 4 – ECSA Report – Increase & Improvement of Facility (2004).

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECC

Item 67 – (Comm. 20D-1) Notice of Trustees Meeting to be Held 9/29/04.

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Received and filed.

FROM DISS – FLEET SERVICES

Item 68 – (Comm. 20D-2) Letter to Legislator DeBenedetti Re: Request for Information on Use of County Vehicle.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM NYSDOT

Item 69 – (Comm. 20M-1) Design Report/Environmental Assessment for Transit Road, NY Route 77 – Towns of Amherst, Clarence, Cheektowaga & Lancaster.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE ERIE COUNTY ENVIRONMENTAL
MANAGEMENT COUNCIL**

Item 70 – (Comm. 20M-2) Notice & Agenda for Meeting Held 9/21/04.

Received and filed.

FROM FORKS FIRE DISTRICT NO. 3

Item 71 – (Comm. 20M-3) Copy of Letter to Legislator Dusza Re: County Pager Purchase.

Received and referred to the PUBLIC SAFETY COMMITTEE.

MEMORIAL RESOLUTIONS

Item 72 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Julian Rybczynski.

Item 73 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Edward Calkins.

Item 74 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Ellen Buttita.

Item 75 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Nadine Haas.

ADJOURNMENT

Item 76 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, October 7, 2004. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, October 7, 2004 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK